SENATE.

WEDNESDAY, *February 19, 1908.*

Prayer by the Chaplain, Rev. EDWARD E. HALE.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. GALLINGER, and by unanimous consent, the further reading was dispensed with.

The VICE-PRESIDENT. The Journal stands approved.

READING OF WASHINGTON'S FAREWELL ADDRESS.

The VICE-PRESIDENT. The Chair announces the appointment of the junior Senator from North Dakota [Mr. MCCUMBER] to read Washington's Farewell Address on the 22d instant, pursuant to the order of the Senate of January 24, 1901.

TRADE CONDITIONS IN ECUADOR.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of Commerce and Labor, transmitting pursuant to law, the report of Special Agent Charles M. Pepper on trade conditions in Ecuador, which, with the accompanying paper, was referred to the Committee on Commerce and ordered to be printed.

NATIONAL BANKING ASSOCIATIONS.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of the Treasury, transmitting, in response to a resolution of the 20th ultimo, certain information relative to the number of national banking associations that have been placed in the hands of receivers as insolvent since January 1, 1893, etc., which, with the accompanying papers, on motion of Mr. TILLMAN, was referred to the Committee on Finance and ordered to be printed.

FINDINGS OF THE COURT OF CLAIMS.

The VICE-PRESIDENT laid before the Senate communications from the assistant clerk of the Court of Claims, transmitting certified copies of the findings of fact filed by the court in the following causes:

In the cause of the Deacons of the Missionary Baptist Church at Powder Springs, Ga., *v.* United States;

In the cause of the First Christian Church of Mexico, Mo., *v.* United States;

In the cause of the Trustees of the Methodist Episcopal Church South, of Paris, Va., *v.* United States;

In the cause of Caledonian Lodge, No. 4, Independent Order of Odd Fellows, of Shepherdstown, W. Va., *v.* United States;

In the cause of the Trustees of the Frederick Presbyterian Church, of Frederick, Md., *v.* United States;

In the cause of the Trustees of the Methodist Episcopal Church of Upperville, Va., *v.* United States;

In the cause of the Trustees of the Cumberland Presbyterian Church (colored) of Huntsville, Ala., *v.* United States;

In the cause of Moyland C. Fox, executor of the estate of Joab Lawrence, deceased, *v.* United States;

In the cause of Lucy A. Dibble, administratrix of Sylvester Dibble, deceased, *v.* United States;

In the cause of the Trustees of Dardanelle Baptist Church *v.* United States; and

In the cause of the Trustees of Mountain Creek Baptist Church, of Hamilton County, Tenn., *v.* United States.

The foregoing findings were, with the accompanying papers, referred to the Committee on Claims and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had passed the bill (S. 417) to extend the time for completion of a bridge across the Missouri River at Yankton, S. Dak., by the Yankton, Norfolk and Southern Railway Company.

The message also announced that the House had passed the bill (S. 2420) granting an increase of pension to Margaret K. Hern, with an amendment, in which it requested the concurrence of the Senate.

The message further announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H. R. 603. An act granting an increase of pension to John A. M. La Pierre;

H. R. 1034. An act granting an increase of pension to James Carroll;

H. R. 1037. An act granting an increase of pension to Edward A. Russell;

H. R. 1055. An act granting an increase of pension to Joel F. Overholser;

H. R. 1059. An act granting an increase of pension to Hannegan C. Norvell;

H. R. 1062. An act granting an increase of pension to Charles C. Weaver;

H. R. 1063. An act granting an increase of pension to Nicholas S. Chrisman;

H. R. 1215. An act granting an increase of pension to Phebe A. Barteaux;

H. R. 1484. An act granting an increase of pension to Marshall W. Rogers;

H. R. 1496. An act granting an increase of pension to Elbert M. Watts;

H. R. 1508. An act granting an increase of pension to William M. Jordan;

H. R. 1590. An act granting an increase of pension to Nelson Wolfley;

H. R. 1673. An act granting an increase of pension to George Athey;

H. R. 1901. An act granting an increase of pension to Jerry Murphy;

H. R. 2175. An act granting an increase of pension to Mittie Choate;

H. R. 2200. An act granting an increase of pension to William H. H. Lang;

H. R. 2204. An act granting an increase of pension to Andrew Risser;

H. R. 2350. An act granting an increase of pension to Richard P. McGrath;

H. R. 2354. An act granting an increase of pension to Amos Foust;

H. R. 2355. An act granting an increase of pension to Samuel Donaldson;

H. R. 2535. An act granting an increase of pension to John B. Evans;

H. R. 2648. An act granting an increase of pension to Ellison Gilbert;

H. R. 2711. An act granting an increase of pension to Simon Levi;

H. R. 2846. An act granting an increase of pension to Linsay C. Jones;

H. R. 2855. An act granting an increase of pension to Samuel H. Hurst;

H. R. 2863. An act granting an increase of pension to John Findlay;

H. R. 2873. An act granting an increase of pension to Frank Rushaloo;

H. R. 2955. An act granting an increase of pension to James C. Booth;

H. R. 2961. An act granting an increase of pension to Hazzard P. Gavitt;

H. R. 2999. An act granting an increase of pension to George P. Mattison;

H. R. 3164. An act granting a pension to Osiah Attison;

H. R. 3229. An act granting an increase of pension to William McCue;

H. R. 3232. An act granting an increase of pension to John Foster;

H. R. 3243. An act granting an increase of pension to Charles D. Copeland;

H. R. 3244. An act granting an increase of pension to Ebenezer L. Briggs;

H. R. 3329. An act granting an increase of pension to Theodore F. Kendall;

H. R. 3339. An act granting an increase of pension to James M. Neal;

H. R. 3350. An act granting an increase of pension to Edward M. Lee;

H. R. 3491. An act granting an increase of pension to William Hall;

H. R. 3493. An act granting an increase of pension to Levi Nicholson;

H. R. 3610. An act granting a pension to James M. Fitch;

H. R. 3611. An act granting an increase of pension to Alexander McNabb;

H. R. 3614. An act granting an increase of pension to Jacob B. Boyer;

H. R. 3641. An act granting an increase of pension to John N. Dickerson;

H. R. 3802. An act granting an increase of pension to Andreas Schmidt;

H. R. 3845. An act granting an increase of pension to Philip Ebright;

H. R. 4072. An act granting an increase of pension to Henry B. Keffer;

H. R. 4094. An act granting an increase of pension to John B. Southworth;

H. R. 4102. An act granting an increase of pension to William H. C. Davis;
H. R. 4103. An act granting an increase of pension to David M. Myers;
H. R. 4125. An act granting an increase of pension to Judson P. Adams;
H. R. 4128. An act granting an increase of pension to Isaac W. Corgill;
H. R. 4149. An act granting an increase of pension to John W. Armstrong;
H. R. 4170. An act granting an increase of pension to Bernhard Herber;
H. R. 4265. An act granting a pension to John W. Hudson;
H. R. 4290. An act granting an increase of pension to Howard F. Hess;
H. R. 4295. An act granting an increase of pension to John Maguire;
H. R. 4351. An act granting a pension to Osborne Eddy;
H. R. 4355. An act granting a pension to John M. Hoisington;
H. R. 4387. An act granting an increase of pension to Margret Orst;
H. R. 4416. An act granting an increase of pension to John H. Wells;
H. R. 4490. An act granting an increase of pension to James H. Thompson;
H. R. 4497. An act granting an increase of pension to Alexander Depuy;
H. R. 4522. An act granting an increase of pension to William H. Hanson;
H. R. 4538. An act granting an increase of pension to Charles F. Read;
H. R. 4539. An act granting an increase of pension to John W. Pressley;
H. R. 4651. An act granting an increase of pension to Cornelia H. Keyes;
H. R. 4663. An act granting a pension to James J. Callan;
H. R. 4674. An act granting an increase of pension to Henry R. Fancher;
H. R. 4678. An act granting an increase of pension to David L. Arwine;
H. R. 4758. An act granting an increase of pension to Edwin P. Gurney;
H. R. 4934. A act granting an increase of pension to Andrew Hiram Woods;
H. R. 5347. An act granting an increase of pension to William M. Stevenson;
H. R. 5382. An act granting an increase of pension to John Bowen;
H. R. 5422. An act granting an increase of pension to William Dunlap;
H. R. 5450. An act granting an increase of pension to Calvin E. Breed;
H. R. 5636. An act granting an increase of pension to Davis E. James;
H. R. 5639. An act granting an increase of pension to George S. Bennett;
H. R. 5764. An act granting a pension to Mary O'Brien;
H. R. 5803. An act granting an increase of pension to Daniel Harter;
H. R. 5868. An act granting a pension to Jane Dorsey;
H. R. 5880. An act granting an increase of pension to Addi C. Pindell;
H. R. 6035. An act granting an increase of pension to Charles R. Fox;
H. R. 6038. An act granting an increase of pension to Edwin May;
H. R. 6057. An act granting an increase of pension to Katharine Seiberlich;
H. R. 6064. An act granting an increase of pension to Jeremiah Beck;
H. R. 6065. An act granting an increase of pension to George M. Coykendall;
H. R. 6070. An act granting an increase of pension to William F. Moyer;
H. R. 6195. An act to authorize A. J. Smith and his associates to erect a dam across the Choctawhatchee River in Dale County, Ala.;
H. R. 6487. An act granting an increase of pension to Alexander W. Brownlie;
H. R. 6492. An act granting an increase of pension to Irvin Austin;
H. R. 6505. An act granting an increase of pension to John N. Kundert;
H. R. 6538. An act granting an increase of pension to Patrick Grady;
H. R. 6641. An act granting an increase of pension to James A. Cobb;
H. R. 6647. An act granting an increase of pension to Elizabeth J. McCoy;
H. R. 6688. An act granting an increase of pension to Isaac Steely;
H. R. 6736. An act granting an increase of pension to Rosenia Writer;
H. R. 6819. An act granting an increase of pension to Andrew Clark;
H. R. 6866. An act granting an increase of pension to Ezra Prouty;
H. R. 6875. An act granting an increase of pension to James S. Walsh;
H. R. 6876. An act granting a pension to Carrie A. Chaplin;
H. R. 6900. An act granting an increase of pension to Hiram Spear;
H. R. 7012. An act granting an increase of pension to Jacob B. Nelson;
H. R. 7060. An act granting an increase of pension to Simon White;
H. R. 7223. An act granting an increase of pension to Jeremiah Keefe;
H. R. 7288. An act granting an increase of pension to John J. Banks;
H. R. 7300. An act granting a pension to Magdalena Hansman;
H. R. 7307. An act granting an increase of pension to Benjamin L. Shepard.
H. R. 7325. An act granting an increase of pension to Joseph Chisam;
H. R. 7431. An act granting a pension to Florence K. Patterson;
H. R. 7432. An act granting a pension to Worthington Fringer;
H. R. 7439. An act granting an increase of pension to Joshua Gill;
H. R. 7450. An act granting an increase of pension to Eugene Lattin;
H. R. 7522. An act granting a pension to Paul W. Draheim;
H. R. 7530. An act granting an increase of pension to Charles Brown;
H. R. 7781. An act granting an increase of pension to Phineas P. Trowbridge;
H. R. 7790. An act granting an increase of pension to Milo L. Pierce;
H. R. 7792. An act granting a pension to Susan A. Jackson;
H. R. 7815. An act granting an increase of pension to William H. Patterson;
H. R. 7879. An act granting an increase of pension to Hiram Still;
H. R. 7893. An act granting an increase of pension to Sarah J. Toncray;
H. R. 7946. An act granting an increase of pension to William Brogan;
H. R. 8053. An act granting an increase of pension to Samuel Cozine;
H. R. 8061. An act granting an increase of pension to Archibald Huston;
H. R. 8094. An act granting an increase of pension to Leander Wagers.
H. R. 8142. An act granting an increase of pension to Wilson Graham;
H. R. 8145. An act granting an increase of pension to Edward E. Hackett;
H. R. 8222. An act granting an increase of pension to Robert Simpson;
H. R. 8332. An act granting an increase of pension to George W. Uhles;
H. R. 8385. An act granting an increase of pension to Jackson Weathers;
H. R. 8427. An act granting an increase of pension to John Gaffney;
H. R. 8489. An act granting a pension to Adlade Holland;
H. R. 8548. An act granting an increase of pension to Joseph T. Walker;
H. R. 8610. An act granting an increase of pension to John Shields;
H. R. 8629. An act granting a pension to David T. Kirby;
H. R. 8640. An act granting an increase of pension to Barbara Haase;
H. R. 8644. An act granting an increase of pension to Ida W. Maples;
H. R. 8654. An act granting an increase of pension to Angelina Phillips;

H. R. 8672. An act granting an increase of pension to Isaiah Fowler;
H. R. 8745. An act granting an increase of pension to Cornelius W. Smith;
H. R. 8747. An act granting an increase of pension to Alfred Jervais;
H. R. 8829. An act granting an increase of pension to Milton Frame;
H. R. 8970. An act granting an increase of pension to Anthon W. Mortenson;
H. R. 8978. An act granting an increase of pension to Marquis D. Mason;
H. R. 8999. An act granting an increase of pension to John Hancock;
H. R. 9311. An act granting an increase of pension to George Harkless;
H. R. 9331. An act granting an increase of pension to Francis H. Britton;
H. R. 9390. An act granting an increase of pension to Nancy Woodruff;
H. R. 9560. An act granting an increase of pension to John H. Keys;
H. R. 9612. An act granting an increase of pension to Emil Christian;
H. R. 9647. An act granting an increase of pension to William W. Mayne;
H. R. 9695. An act granting an increase of pension to Albert C. Lee;
H. R. 9748. An act granting an increase of pension to Herbert C. Mattoon;
H. R. 9768. An act granting an increase of pension to Martha A. Atkinson;
H. R. 9789. An act granting an increase of pension to Samuel P. Hallam;
H. R. 9811. An act granting an increase of pension to Daniel H. Sumner;
H. R. 9813. An act granting an increase of pension to Henry L. Williams;
H. R. 9824. An act granting an increase of pension to William Hines;
H. R. 9837. An act granting an increase of pension to Penelope L. Newman;
H. R. 9983. An act granting an increase of pension to James Burke;
H. R. 10018. An act granting an increase of pension to Ophelia J. Gordon;
H. R. 10040. An act granting an increase of pension to Milton Williams;
H. R. 10041. An act granting an increase of pension to Jenkin Evans;
H. R. 10100. An act granting an increase of pension to Harrison G. Mace;
H. R. 10163. An act granting an increase of pension to Myron A. Hawks;
H. R. 10307. An act granting an increase of pension to Susie Harkey;
H. R. 10436. An act granting an increase of pension to Henry Hill;
H. R. 10442. An act granting an increase of pension to John Sullivan;
H. R. 10692. An act granting an increase of pension to David H. House;
H. R. 10698. An act granting an increase of pension to Andrew J. Lyons;
H. R. 10716. An act granting an increase of pension to August Gehb;
H. R. 10723. An act granting an increase of pension to William H. White;
H. R. 10753. An act granting an increase of pension to Michael P. Donley;
H. R. 10763. An act granting an increase of pension to William C. Milliken;
H. R. 10800. An act granting an increase of pension to Charles Gardner;
H. R. 10824. An act granting an increase of pension to Caswell Lovitt;
H. R. 10855. An act granting an increase of pension to Frances A. Payne;
H. R. 10869. An act granting an increase of pension to William C. Tanner;
H. R. 10930. An act granting an increase of pension to Robert H. Barton;
H. R. 10949. An act granting an increase of pension to Leonard C. Hill;
H. R. 10954. An act granting an increase of pension to Russell Arnold;
H. R. 11010. An act granting an increase of pension to George W. Florye;
H. R. 11043. An act granting an increase of pension to Elisha Cole;
H. R. 11055. An act granting an increase of pension to Joseph Price;
H. R. 11102. An act granting an increase of pension to Charles Wells;
H. R. 11120. An act granting an increase of pension to John T. Hogg, jr.;
H. R. 11217. An act granting an increase of pension to Emeline M. Strong;
H. R. 11250. An act granting a pension to Louis P. Sothoron;
H. R. 11282. An act granting an increase of pension to John W. McCormick;
H. R. 11286. An act granting an increase of pension to John H. Stephens;
H. R. 11413. An act granting an increase of pension to Noah Jones;
H. R. 11471. An act granting an increase of pension to Frederick Spackman;
H. R. 11522. An act granting an increase of pension to John Sonia;
H. R. 11679. An act granting an increase of pension to Celina C. Fleming;
H. R. 11868. An act granting an increase of pension to Alexander Hyde;
H. R. 11891. An act granting an increase of pension to Albert Munger;
H. R. 11911. An act granting an increase of pension to Samuel Beckley;
H. R. 11937. An act granting an increase of pension to William A. Couch;
H. R. 11966. An act granting an increase of pension to Sophia Winters;
H. R. 12027. An act granting an increase of pension to Daniel A. Stedman;
H. R. 12028. An act granting an increase of pension to Patrick Dolan;
H. R. 12034. An act granting an increase of pension to Henry C. Crowell;
H. R. 12081. An act granting an increase of pension to William H. H. Kellogg;
H. R. 12234. An act granting an increase of pension to Martin V. Monroe;
H. R. 12252. An act granting an increase of pension to William B. Swisher;
H. R. 12280. An act granting an increase of pension to Martha C. Pace;
H. R. 12395. An act granting an increase of pension to Andrew H. Clutter;
H. R. 12491. An act granting an increase of pension to Griffith T. Murphy;
H. R. 12534. An act granting an increase of pension to Harvey Fowler;
H. R. 12616. An act granting an increase of pension to Horace A. Rexford;
H. R. 12619. An act granting a pension to Hannah M. Crowley;
H. R. 12719. An act granting an increase of pension to Henry H. Searl;
H. R. 12735. An act granting an increase of pension to William H. Stump;
H. R. 12739. An act granting an increase of pension to Lemuel L. Kelso;
H. R. 12766. An act granting an increase of pension to Francis M. Woodruff;
H. R. 12809. An act granting an increase of pension to Carlton Cross;
H. R. 12810. An act granting an increase of pension to Michael H. Glass;
H. R. 12811. An act granting an increase of pension to John Riley;
H. R. 12849. An act granting an increase of pension to Benjamin B. Hardman;
H. R. 12936. An act granting an increase of pension to Cynthia A. Benson;
H. R. 12947. An act granting an increase of pension to James H. Pearce;
H. R. 12950. An act granting an increase of pension to Hylas S. Moore;
H. R. 12970. An act granting an increase of pension to James McConnaha;

H. R. 12990. An act granting an increase of pension to Jerome Long;
H. R. 12992. An act granting an increase of pension to Thomas Coughlin;
H. R. 13065. An act granting an increase of pension to John E. Lapsley;
H. R. 13137. An act granting an increase of pension to Thomas J. Shoffner;
H. R. 13152. An act granting an increase of pension to John Sain;
H. R. 13175. An act granting an increase of pension to David Miller;
H. R. 13190. An act granting an increase of pension to John Loughmiller;
H. R. 13226. An act granting an increase of pension to Charles S. Derland;
H. R. 13245. An act granting an increase of pension to Martin V. B. Davis;
H. R. 13336. An act granting a pension to Regina Albert;
H. R. 13355. An act granting an increase of pension to Samuel A. Slemmons;
H. R. 13372. An act granting an increase of pension to John H. Seagrist;
H. R. 13391. An act granting an increase of pension to Stephen Lyons;
H. R. 13683. An act granting an increase of pension to Thomas W. Treadwell;
H. R. 13708. An act granting an increase of pension to William Goulding;
H. R. 13713. An act granting an increase of pension to Anton Geiser;
H. R. 13735. An act to correct the military record of Micaiah R. Evans;
H. R. 13783. An act granting an increase of pension to William H. Murray;
H. R. 13889. An act granting an increase of pension to Martha Foster;
H. R. 13916. An act granting an increase of pension to Charles R. Bockins;
H. R. 13920. An act granting an increase of pension to Fernando D. Stone;
H. R. 13930. An act granting an increase of pension to Caroline Morse;
H. R. 13945. An act granting a pension to Abbie E. Barr;
H. R. 13951. An act granting an increase of pension to William Herbert;
H. R. 13962. An act granting an increase of pension to John D. Wells;
H. R. 14199. An act granting an increase of pension to George Walton;
H. R. 14226. An act granting an increase of pension to George W. Child;
H. R. 14232. An act granting an increase of pension to Reuben R. Pitman;
H. R. 14310. An act granting an increase of pension to Thomas Porter;
H. R. 14314. An act granting an increase of pension to Randolph Snell;
H. R. 14316. An act granting an increase of pension to Dewitt Eldred;
H. R. 14338. An act granting an increase of pension to Eliza D. Ramey;
H. R. 14363. An act granting an increase of pension to Frank Schader;
H. R. 14427. An act granting an increase of pension to Calvin Morehead;
H. R. 14453. An act granting an increase of pension to Henry H. Taylor;
H. R. 14474. An act granting an increase of pension to Nancy J. Walker;
H. R. 14477. An act granting an increase of pension to Edward Carr;
H. R. 14532. An act granting an increase of pension to Michael J. Hawley;
H. R. 14570. An act granting a pension to George W. Eggleston;
H. R. 14584. An act granting an increase of pension to Marcus T. Camp;
H. R. 14606. An act granting an increase of pension to Francis L. Smith;
H. R. 14621. An act granting an increase of pension to Thomas A. Sorrell, alias Thomas A. Martin.
H. R. 14632. An act granting an increase of pension to Mary Ten Eyck;
H. R. 14671. An act granting an increase of pension to Benjamin Johnson;
H. R. 14716. An act granting an increase of pension to Henry M. Waters;
H. R. 14724. An act granting an increase of pension to Rush Patterson;
H. R. 14747. An act granting an increase of pension to William B. Haines;
H. R. 14798. An act granting an increase of pension to Peter C. Parker;
H. R. 14807. An act granting an increase of pension to Cornelius D. McCombs;
H. R. 14818. An act granting an increase of pension to Roswell L. Nason;
H. R. 14829. An act granting an increase of pension to Andrew J. Black;
H. R. 14844. An act granting an increase of pension to John B. Wheeler;
H. R. 14869. An act granting an increase of pension to Carlos L. Buzzell;
H. R. 14906. An act granting an increase of pension to Sarah E. Willis;
H. R. 14916. An act granting an increase of pension to James Tenbrook;
H. R. 14958. An act granting an increase of pension to John L. Bennett;
H. R. 14969. An act granting an increase of pension to Abraham H. Tompkins;
H. R. 14978. An act granting an increase of pension to Josiah Dixon;
H. R. 14982. An act granting a pension to Missouri L. Herron;
H. R. 14988. An act granting an increase of pension to Joseph Farley;
H. R. 14989. An act granting an increase of pension to Jerome King;
H. R. 15037. An act granting an increase of pension to Albert Falcon;
H. R. 15063. An act granting an increase of pension to Alexander Mattison;
H. R. 15068. An act granting an increase of pension to Martha Marble;
H. R. 15071. An act granting an increase of pension to James M. Reed;
H. R. 15158. An act granting an increase of pension to Francis S. Fletcher;
H. R. 15167. An act granting an increase of pension to Titus W. Allen;
H. R. 15193. An act granting an increase of pension to Milo Brewster;
H. R. 15280. An act granting an increase of pension to Ezra Taylor;
H. R. 15305. An act granting an increase of pension to Edward B. Wright;
H. R. 15356. An act granting a pension to Mary Herndon;
H. R. 15380. An act granting an increase of pension to Cleanthus Burnett;
H. R. 15401. An act granting an increase of pension to Louisa J. Long;
H. R. 15429. An act granting an increase of pension to William R. Moore;
H. R. 15475. An act granting an increase of pension to Fannie T. Shipley;
H. R. 15538. An act granting an increase of pension to George W. Fairchild;
H. R. 15579. An act granting an increase of pension to Alonzo C. Abbey;
H. R. 15616. An act granting an increase of pension to Hugh Irwin;
H. R. 15686. An act granting an increase of pension to William H. Turner;
H. R. 15688. An act granting a pension to Martha A. Elliott;
H. R. 15722. An act granting an increase of pension to John W. Betts;
H. R. 15821. An act granting an increase of pension to Thomas Larkin;
H. R. 15927. An act granting an increase of pension to William McGovern;
H. R. 16016. An act granting an increase of pension to Martin L. Bruce;
H. R. 16019. An act granting a pension to Grace S. Wood;
H. R. 16020. An act granting an increase of pension to Moses T. Kelly;
H. R. 16194. An act granting an increase of pension to William F. Paris;

H. R. 16237. An act granting an increase of pension to Amanda Bonnell;

H. R. 16308. An act granting an increase of pension to Daniel C. Foster;

H. R. 16335. An act granting an increase of pension to Henry F. Tomlin;

H. R. 16349. An act granting an increase of pension to Frank Upchurch;

H. R. 16394. An act granting an increase of pension to Isaac N. Forman;

H. R. 16533. An act granting an increase of pension to James S. Anderson; and

H. R. 16610. An act granting an increase of pension to Michael Conniff.

The foregoing pension bills received this day from the House of Representatives were subsequently read twice by their titles and referred to the Committee on Pensions.

PETITIONS AND MEMORIALS.

The VICE-PRESIDENT presented memorials of sundry organizations of Mobile, Ala., Wheeling, W. Va., Johnson, Nebr., Washington, D. C., Manchester, N. H., Providence, R. I., Holyoke, Mass., Cumberland and Baltimore, in the State of Maryland, Bellingham, Wash., and Henderson, Ky., remonstrating against the enactment of legislation to regulate the interstate transportation of intoxicating liquors, which were referred to the Committee on the Judiciary.

Mr. PLATT presented a petition of Local Union No. 336, International Typographical Union, of Oneida, N. Y., praying for the repeal of the duty on white paper, wood pulp, and the materials used in the manufacture thereof, which was referred to the Committee on Finance.

He also presented memorials of sundry organizations of Johnstown, Kingston, Buffalo, Auburn, Troy, Bergen, Albany, Utica, Schenectady, Rochester, Bardonia, and Green Island, all in the State of New York, remonstrating against the enactment of legislation to regulate the interstate transporation of intoxicating liquors, which were referred to the Committee on the Judiciary.

He also presented a petition of the United Trade and Labor Council of Buffalo, N. Y., praying for the enactment of legislation to amend section 4463 of the Revised Statutes of the United States relating to crews on steam vessels, which was referred to the Committee on Commerce.

Mr. SCOTT presented a petition of sundry citizens of Martinsburg, W. Va., praying for the passage of the so-called "Sherwood pension bill," granting more liberal rates of pensions, which was referred to the Committee on Pensions.

Mr. GALLINGER presented petitions of sundry citizens of Webster, N. H.; Washington, D. C.; Goshen, Ind.; Springfield, Ohio, and Woodstown, N. J., praying for the enactment of legislation to prohibit the manufacture and sale of intoxicating liquors in the District of Columbia, which were referred to the Committee on the District of Columbia.

He also presented a memorial of the Citizens' Northwest Suburban Association of the District of Columbia, remonstrating against the passage of the so-called "Dolliver bill" to regulate and control the management of public education in the District of Columbia, which was ordered to lie on the table.

Mr. NIXON presented memorials of the Elko County Cattle Association, the Eastern Nevada Wool Growers' Association, and of the Chamber of Commerce of Elko, all in the State of Nevada, remonstrating against the enactment of legislation providing for the control of grazing lands in the United States, which were referred to the Committee on Agriculture and Forestry.

He also presented a petition of Local Union No. 105, Typographical Union, of Goldfield, Nev., praying for the repeal of the duty on white paper, wood pulp, and the materials used in the manufacture thereof, which was referred to the Committee on Finance.

Mr. HOPKINS presented a petition of the Trades and Labor Council of Peru, Ill., praying for the enactment of legislation providing for the construction of the proposed new battle ships at the Government navy-yards, which was referred to the Committee on Naval Affairs.

He also presented memorials of sundry organizations of Chicago, Alton, East St. Louis, and Forest Park, all in the State of Illinois, remonstrating against the enactment of legislation to regulate the interstate transportation of intoxicating liquors, which were referred to the Committee on the Judiciary.

Mr. ELKINS presented an affidavit to accompany the bill (S. 5324) for the relief of the trustees of the Presbyterian Church of Bunker Hill, W. Va., which was referred to the Committee on Claims.

He also presented a petition of the Maricopa County Commercial Club, of Phoenix, Ariz., praying for the passage of the so-called "Culberson bill," to require railroad companies engaged in interstate commerce to promptly furnish cars and other transportation facilities, and to empower the Interstate Commerce Commission to make rules and regulations with respect thereto, and to further regulate commerce among the several States, which was referred to the Committee on Interstate Commerce.

Mr. LODGE presented a petition of Local Union No. 1, Newspaper Writers' Association, of Boston, Mass., and a petition of Local Union No. 16, International Brotherhood of Bookbinders, of Boston, Mass., praying for the repeal of the duty on white paper, wood pulp, and the materials used in the manufacture thereof, which were referred to the Committee on Finance.

Mr. PROCTOR presented a petition of Local Grange No. 231, Patrons of Husbandry, of Dorset, Vt., praying for the passage of the so-called "parcels-post bill," and also for the establishment of postal savings banks, which was referred to the Committee on Post-Offices and Post-Roads.

Mr. KNOX presented a petition of the Maritime Exchange of Philadelphia, Pa., praying for the enactment of legislation to promote the efficiency of the Life-Saving Service, which was referred to the Committee on Commerce.

He also presented a petition of the permanent committee on temperance of the General Assembly of the Presbyterian Church of Pittsburg, Pa., praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors, which was referred to the Committee on the Judiciary.

He also presented a petition of Captain Charles V. Gridley Camp, No. 94, Sons of Veterans, of Erie, Pa., praying for the enactment of legislation to increase and equalize the pay of officers and enlisted men of the Army, Navy, Marine Corps, and Revenue-Cutter Service, which was referred to the Committee on Naval Affairs.

He also presented memorials of the faculty of Swarthmore College, Swarthmore; H. Belfield & Co., of Philadelphia; E. Leitenberger, of Philadelphia; J. P. B. Sinkler, of Philadelphia; J. H. D. Allen, of Laverock; D. B. Janney, of Emilie; W. W. Justice, of Germantown; J. A. Harris, of Chestnut Hill, Philadelphia; Dr. G. B. Wood, of Philadelphia; C. E. Gillette, of Philadelphia; E. S. Miller, of Philadelphia; T. C. Potts, of Philadelphia; Rev. Rogers Israel, of Scranton; R. E. Laramy, of Phoenixville; T. H. Morris, of Philadelphia; W. C. Mason, of Philadelphia; M. V. Whelen, of Philadelphia; W. H. Burnett, of Philadelphia; J. P. Morris, of Philadelphia; N. B. Craig, of Philadelphia; Charles Freihofer, of Philadelphia; N. E. Janney, of Philadelphia; E. A. Weimer, of Lebanon; H. P. Bailey, of Philadelphia; H. A. Schulz, of Pittsburg; F. C. Johnson, of Wilkes-Barre; E. E. Jones, of Abington; E. Stewart, of Philadelphia; C. L. Harper, of Philadelphia; Harold Peirce, of Philadelphia; H. M. Fisher, of Jenkintown; D. C. Barrett, of Haverford; C. M. Berger, of Germantown; J. O. Powers, of Philadelphia; J. F. Keator, of Philadelphia; Carter Thompson, of Philadelphia; H. K. Day, of Philadelphia; C. Z. Tyson, of Philadelphia; G. B. Logan, of Pittsburg; F. K. Ployer, of Mechanicsburg; Charles Beck, of Philadelphia; W. D. Lewis, of Philadelphia; W. E. Leeds, of Philadelphia; E. M. Zimmerman, of Philadelphia; P. L. Thompson, of Pittsburg; J. H. Haines, of Philadelphia; E. W. Evans, of Philadelphia; O. T. Mallery, of Philadelphia; Rev. G. H. Ferris, of Philadelphia; J. A. Develin, of Philadelphia; Dr. Samuel Phoads, of Philadelphia; F. R. Cope, jr., of Philadelphia; Herman A. Schultz, of Pittsburg; Stuart Wood, of Philadelphia; Standard Steel Works Company, of Burnham; George Bros., of Pittsburg; William Burnham, of Philadelphia; L. S. Rowe, of Philadelphia; Edgar Dudley Faries, of Philadelphia; Robert D. Jenks, of Philadelphia; M. B. French, of Philadelphia; the Current Events Club, of Holmesburg; S. R. Miller, of Wilkes-Barre; J. F. Hazard, of Philadelphia; Haseltine Smith, of Philadelphia, and W. L. Davis, of Glenshaw, all in the State of Pennsylvania, remonstrating against the enactment of legislation providing for the appointment without competitive examination of additional clerical force for the taking of the Thirteenth Census, which were referred to the Committee on the Census.

He also presented a petition of the National Board of Trade, of Philadelphia, Pa., praying that an appropriation of not less than $50,000,000 per annum be made for inland waterway improvements, which was referred to the Committee on Commerce.

He also presented a petition of Local Grange No. 1233, Patrons of Husbandry, of Hartstown, Pa., praying for the enactment of legislation providing that the motto "In God we trust" be placed on $1 pieces coined by the United States, which was referred to the Committee on Finance.

He also presented petitions of sundry citizens of Oil City and North East, in the State of Pennsylvania, and of sundry citizens of Baltimore, Md., praying for the enactment of legislation providing for the creation of a volunteer retired list for the survivors of the civil war, which were referred to the Committee on Military Affairs.

He also presented petitions of Clarence White and sundry other citizens of Rushboro; E. C. Tabor and sundry other citizens of Conneautville; J. H. Reese and sundry other citizens of Norristown; D. H. Nodine and sundry other citizens of Cambridge Springs; A. H. Jones and sundry other citizens of South Montrose; the Dublin Dairy Association, Dublin, all in the State of Pennsylvania, praying for the enactment of legislation providing for additional protection to the dairy interests of the country, which were referred to the Committee on Agriculture and Forestry.

He also presented a petition of Pittsburg Harbor, No. 25, American Association of Masters and Pilots of Steam Vessels, of Pittsburg, Pa., praying for the enactment of legislation for the relief of the survivors of the Mississippi River Ram Fleet and Marine Brigade, which was referred to the Committee on Claims.

He also presented petitions of Iona Grange, East Lemon Grange, Berrysburg Grange, Meiserville Grange, Mayflower Grange, Laurel Hill Grange, Russellville Grange, Glen Hope Grange, East Branch Grange, Summermill Grange, German Grange, Mount Pleasant Grange, Dawson Grange, Tioga Grange, Brokenstraw Grange, West Branch Grange, Donation Grange, New Washington Grange, all of the Patrons of Husbandry; of James Riddle and sundry other citizens of Mahaffey; J. S. Zen and sundry other citizens of Geigers Mills; W. F. Williamson and sundry other citizens of Williamson; F. Livermore and sundry other citizens of Linden; W. B. Hendricks and sundry other citizens of Creamery; E. J. Ackerman and sundry other citizens of Ackermanville, all in the State of Pennsylvania, praying for the enactment of legislation providing for additional protection to the dairy interests of the country, which were referred to the Committee on Agriculture and Forestry.

Mr. TALIAFERRO presented a petition of sundry citizens of Washington County, Fla., praying for the passage of the so-called "parcels-post bill," which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of the National Educational and Cooperative Union of America, of Washington County, Fla., praying for the enactment of legislation to repeal the present national banking laws and to establish in lieu thereof a national currency in the form of Treasury notes, which was referred to the Committee on Finance.

Mr. BULKELEY presented memorials of sundry organizations of Norwich, Ansonia, Meriden, Hartford, Torrington, New Britain, and Stamford, all in the State of Connecticut, remonstrating against the enactment of legislation to regulate the interstate transportation of intoxicating liquors, which were referred to the Committee on the Judiciary.

He also presented memorials of sundry citizens of Stamford and Watertown, in the State of Connecticut, remonstrating against the passage of the so-called "Crumpacker bill" providing for the taking of the thirteenth and subsequent decennial censuses, which were referred to the Committee on the Census.

Mr. PENROSE presented a petition of the Philadelphia Rourse, of Philadelphia, Pa., praying for the enactment of legislation to create a retired list for the district superintendents, keepers, and crews of the Life-Saving Service, which was referred to the Committee on Commerce.

He also presented a petition of the National Board of Trade, of Washington, D. C., praying for the establishment of postal savings banks, which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of the National Board of Trade of Washington, D. C., praying for the ratification of international arbitration treaties, which was referred to the Committee on Foreign Relations.

He also presented a petition of the National Board of Trade of Washington, D. C., praying for the enactment of legislation providing for the capitalization, management, and control of associations and labor engaged in commerce among the several States, Territories, and insular possessions of the United States and with foreign nations, which was referred to the Committee on the Judiciary.

He also presented sundry affidavits to accompany the bill (S. 5398) granting an increase of pension to Richard Carr, which were referred to the Committee on Pensions.

Mr. OWEN. I present a concurrent resolution of the legislature of Oklahoma, relative to the withdrawal of certain Choctaw lands from allotment for the purpose of establishing a timber reserve. I move that it be printed as a document and referred to the Committee on Indian Affairs.

The motion was agreed to.

THANKS TO SENATOR BEVERIDGE.

Mr. OWEN. I present a concurrent resolution of the legislature of Oklahoma, being a resolution of thanks to Hon. ALBERT J. BEVERIDGE for his work in promoting statehood for Oklahoma. I ask that it may lie on the table and be printed in the RECORD.

There being no objection, the resolution was ordered to lie on the table and to be printed in the RECORD, as follows:

Concurrent resolution 3.

Be it resolved by the house of representatives of the first legislature of Oklahoma (the senate concurring therein), representing a million and a half of people of the new State, That we extend to ALBERT J. BEVERIDGE, United States Senator, our heartfelt thanks and sincere appreciation for the noble work rendered as chairman of the Committee on Territories of the United States Senate in securing the passage of the enabling act, thereby making it possible for this great State to be admitted into the American Union: And be it further

Resolved, That the chief clerk be instructed to mail this resolution to Senator ALBERT J. BEVERIDGE, Washington, D. C.

WILLIAM H. MUNCEY,
Speaker of the House of Representatives.
HENRY S. JOHNSTON,
President pro tempore of the Senate.

Attest:
C. H. PITTMAN, *Chief Clerk.*
Attest:
J. I. HOWARD, *Secretary.*

REPORTS OF COMMITTEES.

Mr. NELSON, from the Committee on the Judiciary, to whom was referred the joint resolution (S. R. 37) disapproving certain laws enacted by the legislative assembly of the Territory of New Mexico, reported it without amendment and submitted a report thereon.

Mr. CULBERSON, from the Committee on Public Buildings and Grounds, to whom was referred the bill (S. 486) to provide for the purchase of a site and the erection of a public building thereon at Victoria, in the State of Texas, reported it without amendment.

Mr. DIXON, from the Committee on Public Lands, to whom was referred the bill (S. 213) for the relief of S. R. Green, reported it without amendment and submitted a report thereon.

Mr. FULTON, from the Committee on Public Lands, to whom was referred the bill (S. 1617) to quiet title to certain land in Donna Ana County, N. Mex., reported it with amendments and submitted a report thereon.

Mr. LODGE. I am directed by the Committee on Foreign Relations, to whom was referred the bill (S. 4112) to amend an act entitled "An act to provide for the reorganization of the consular service of the United States," approved April 5, 1906, to report it with amendments, and I submit a report thereon. I submit certain documents which I wish to have printed as a part of the report to accompany the bill.

The VICE-PRESIDENT. The documents submitted by the Senator from Massachusetts will be printed as a part of the report.

Mr. LODGE. All the documents are attached to the report. I merely suggest that they all be printed in one pamphlet as a report.

The VICE-PRESIDENT. It is so ordered, and the bill will be placed on the Calendar.

Mr. HEYBURN, from the Committee on Public Lands, to whom was referred the amendment submitted by himself on the 14th instant, proposing to appropriate $2,000 for separate State and Territorial maps, prepared, or to be prepared, in the General Land Office, intended to be proposed by him to the legislative, etc., appropriation bill, reported favorably thereon and moved that it be referred to the Committee on Appropriations and printed, which was agreed to.

He also, from the Committee on Public Buildings and Grounds, to whom was referred the bill (S. 33) to provide a public park on Georgetown Heights, in the District of Columbia, reported it without amendment and submitted a report thereon.

Mr. CLAPP, from the Committee on Claims, to whom was referred the bill (S. 1392) for the relief of Salvador Costa, reported it with amendments and submitted a report thereon.

Mr. TAYLOR, from the Committee on Indian Affairs, to whom was referred the bill (S. 4801) granting certain lands in the Wind River Reservation, in Wyoming, to the Protestant Episcopal Church, reported it without amendment.

Mr. CULLOM, from the Committee on Foreign Relations, to whom was referred the amendment submitted by himself on the 17th instant, proposing to appropriate $1,373,643, to enable the

Secretary of State to purchase suitable lands and buildings as should comprise and be connected with the consular establishment in China, Japan, and Korea, intended to be proposed to the diplomatic and consular appropriation bill, reported it with amendments and moved that it be referred to the Committee on Appropriations and printed, which was agreed to.

Mr. OVERMAN, from the Committee on Public Buildings and Grounds, to whom was referred the bill (S. 4196) to provide for the enlargement and improvement of the public building at Elgin, Ill., reported it without amendment and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 4368) to provide for the purchase of a site and the erection of a public building at Wilson, N. C., reported it with an amendment and submitted a report thereon.

Mr. MARTIN, from the Committee on Commerce, to whom was referred the bill (S. 5133) to amend an act entitled "An act authorizing the Winnipeg, Yankton and Gulf Railroad Company to construct a combined railroad, wagon, and foot-passenger bridge across the Missouri River at or near the city of Yankton, S. Dak.," reported it without amendment and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (H. R. 12401) to legalize a bridge across the Mississippi River at Rice, Minn., reported it without amendment.

Mr. BACON, from the Committee on Foreign Relations, to whom was referred the amendment submitted by himself on the 17th instant, proposing to appropriate $400,000 for the purchase of suitable buildings and grounds at Paris, France, for the use of the embassy, etc., intended to be proposed to the diplomatic and consular appropriation bill, reported favorably thereon and moved that it be referred to the Committee on Appropriations and printed, which was agreed to.

Mr. PENROSE, from the Committee on Post-Offices and Post-Roads, to whom was referred the amendment submitted by Mr. MCCUMBER on the 12th instant, intended to be proposed to House bill 15372, known as the "omnibus claims bill," asked to be discharged from its further consideration and that it be referred to the Committee on Claims, which was agreed to.

Mr. SCOTT, from the Committee on Public Buildings and Grounds, to whom was referred the bill (S. 156) to provide for the purchase of a site and the erection of a building thereon at Bellaire, in the State of Ohio, reported it without amendment and submitted a report thereon.

Mr. BURKETT, from the Committee on Public Buildings and Grounds, to whom was referred the bill (S. 4248) to increase the limit of cost of the United States post-office building at Kearney, Nebr., reported it with an amendment and submitted a report thereon.

BILLS INTRODUCED.

Mr. GALLINGER introduced a bill (S. 5492) granting a pension to Emily C. Cummings, which was read twice by its title and referred to the Committee on Pensions.

Mr. PLATT introduced a bill (S. 5493) authorizing the settlement of certain outstanding liabilities of the Government by the issue of new drafts upon the return of drafts heretofore issued representing said liabilities, which was read twice by its title and referred to the Committee on Finance.

He also introduced a bill (S. 5494) granting an increase of pension to Isaac H. Isaacs, which was read twice by its title and, with the accompanying papers, referred to the Committee on Pensions.

Mr. ELKINS introduced a bill (S. 5495) to promote the safe transportation in interstate commerce of explosives and other dangerous articles, and to provide penalties for its violation, which was read twice by its title and referred to the Committee on Interstate Commerce.

He also introduced the following bills, which were severally read twice by their titles and referred to the Committee on Pensions:

A bill (S. 5496) granting a pension to Francis Redmond; and

A bill (S. 5497) granting a pension to Frederick Carel (with the accompanying papers).

He also introduced a bill (S. 5498) for the relief of the estate of Charles Ruffner, deceased, which was read twice by its title and referred to the Committee on Claims.

Mr. BURROWS introduced a bill (S. 5499) granting an increase of pension to Reuben H. Boyce, which was read twice by its title and, with the accompanying papers, referred to the Committee on Pensions.

Mr. SCOTT introduced the following bills, which were severally read twice by their titles and referred to the Committee on Claims:

A bill (S. 5500) for the relief of William D. Graham (with accompanying papers);

A bill (S. 5501) for the relief of the trustees of the Presbyterian Church at Shepherdstown, W. Va.; and

A bill (S. 5502) for the relief of the Methodist Episcopal Church South, of Muses Bottom, W. Va.

He also introduced the following bills, which were severally read twice by their titles and referred to the Committee on Pensions:

A bill (S. 5503) granting an increase of pension to W. A. Stewart (with accompanying papers); and

A bill (S. 5504) granting an increase of pension to James A. Brians (with accompanying papers).

Mr. FRYE introduced a bill (S. 5506) granting an increase of pension to John Murray Murch, which was read twice by its title and referred to the Committee on Pensions.

Mr. LODGE introduced a bill (S. 5507) to increase the membership of the Philippine Commission, which was read twice by its title and referred to the Committee on the Philippines.

Mr. KNOX introduced a bill (S. 5508) to establish a system of postal savings banks, and for other purposes, which was read twice by its title.

Mr. KNOX. I desire to say, Mr. President, that this is the postal savings-bank bill favored by officials of the Post-Office Department, and I present it at their request. I move that the bill be referred to the Committee on Post-Offices and Post-Roads.

The motion was agreed to.

Mr. KNOX introduced the following bills, which were severally read twice by their titles and referred to the Committee on Claims:

A bill (S. 5509) for the relief of Mary A. Graham;

A bill (S. 5510) for the relief of the owners of the tug *Juno;* and

A bill (S. 5511) for the relief of the trustees of Christ Evangelical Lutheran Church of Gettysburg, Pa.

He also introduced a bill (S. 5512) granting an increase of pension to George Jacobs, which was read twice by its title and referred to the Committee on Pensions.

Mr. PENROSE introduced the following bills, which were severally read twice by their titles and referred to the Committee on Pensions:

A bill (S. 5513) granting a pension to Emma A. Davis;

A bill (S. 5514) granting a pension to Lena Roedelsheimer; and

A bill (S. 5515) granting an increase of pension to William S. Nail.

Mr. WARNER introduced a bill (S. 5516) providing for the erection of a public building at Independence, Mo., which was read twice by its title and referred to the Committee on Public Buildings and Grounds.

Mr. OVERMAN introduced a bill (S. 5517) granting an increase of pension to Sophronia Roberts, which was read twice by its title and, with the accompanying paper, referred to the Committee on Pensions.

Mr. MCCREARY introduced the following bills, which were severally read twice by their titles and referred to the Committee on Claims:

A bill (S. 5518) for the relief of the trustees of the Baptist Church of Tateville, Ky.; and

A bill (S. 5519) for the relief of Louis Landram.

He also introduced a bill (S. 5520) to authorize the allotment to J. Morris Cook of his proportionate share in any of the land of the Grande Ronde Reservation, formerly belonging to the Umpqua tribe of Indians, and for other purposes, which was read twice by its title and referred to the Committee on Indian Affairs.

Mr. BANKHEAD introduced a bill (S. 5521) for the relief of the estate of Mrs. Melissa Gathright, deceased, which was read twice by its title and referred to the Committee on Claims.

He also introduced a bill (S. 5522) for the relief of W. R. Hall, which was read twice by its title and, with the accompanying paper, referred to the Committee on Claims.

Mr. BOURNE introduced a bill (S. 5523) granting an increase of pension to Lizzie Kapus, which was read twice by its title and, with the accompanying papers, referred to the Committee on Pensions.

He also introduced a bill (S. 5524) granting an increase of pension to Samuel N. Alford, which was read twice by its title and, with an accompanying paper, referred to the Committee on Pensions.

Mr. MARTIN introduced the following bills, which were severally read twice by their titles and referred to the Committee on Public Buildings and Grounds:

A bill (S. 5525) to erect a custom-house and post-office building in the city of South Boston, Va.; and

A bill (S. 5526) for the erection of a public building at Bedford City, Va.

Mr. DEPEW introduced a bill (S. 5527) for the relief of Martha E. Terwilliger, which was read twice by its title and referred to the Committee on Claims.

Mr. McCUMBER introduced a bill (S. 5528) for the relief of Joseph M. Padgett and others, which was read twice by its title and, with the accompanying papers, referred to the Committee on Claims.

Mr. LODGE introduced a bill (S. 5529) granting an increase of pension to Daniel R. Hanwell, which was read twice by its title and referred to the Committee on Pensions.

VAGRANCY IN THE DISTRICT OF COLUMBIA.

Mr. TILLMAN. Mr. President, those of us who are living in Washington, either temporarily or permanently, have been very much startled and undoubtedly made uneasy by the condition of crime disclosed here and the robberies which have occurred in the most public places by day and by night. There is a clamor abroad for a large increase of the police force and all that sort of thing. Twenty-two cases in six months compel our attention.

Thinking over the situation, it has occurred to me that the cause ought to be removed, if it is possible to find it, rather than go to the expense of attempting to prevent such crimes by finding the criminals after the crimes have been committed. I am sure, from my own knowledge of the negro race, that the widespread vagrancy, which is evident here as well as in other cities where the negroes are in large numbers, is the cause of this criminality. There are other reasons, undoubtedly, among them the over education of some negroes, who are made to have higher aspirations than it is possible for them to attain. They become criminals, and rob and steal rather than work. But without dealing with the theories and the philosophy which will undoubtedly be brought out if we go into a discussion, I want to introduce a bill for the purpose of suppressing vagrancy in this District, and I ask that it be read.

The bill (S. 5505) to define and suppress vagrancy within the District of Columbia was read the first time by its title and the second time at length, as follows:

Be it enacted, etc., That the following-described persons in the District of Columbia are hereby declared to be vagrants:

Idle persons who, not having visible means of support, live without lawful employment; persons wandering abroad and visiting tippling shops or houses of ill fame, or lodging in groceries, outhouses, market places, sheds, barns, or in the open air, and not giving a good account of themselves; persons wandering abroad and begging, or who go about from door to door or place themselves in the streets, highways, passages, or other public places to beg or receive alms.

All persons leading an idle, immoral, or profligate life who have no property to support them and who are able of body to work and do not work, including all able-bodied persons without other visible means of support who shall live in idleness upon the wages or earnings of their mother, wife, or minor child or children.

SEC. 2. That every person in the District of Columbia who shall be convicted of vagrancy under the provisions of this act shall be required to enter into security in a sum not exceeding $500, conditioned upon his good behavior and industry for the period of one year; and if he shall fail to give such security, he shall be committed to the workhouse in the said District for a term not to exceed one year. The security herein mentioned shall be in the nature of a recognizance to the District of Columbia, with a surety or sureties to be approved by the police court of the said District, in which court all prosecutions under this act shall be conducted in the manner now provided by law for the prosecution of offenses against the laws and ordinances of the said District.

Mr. TILLMAN. I want to say further that the body of the bill is taken from the Massachusetts code. There are some slight alterations to suit local conditions, and a little elaboration. I tried to make the net a little more broad to increase its catching qualities.

The VICE-PRESIDENT. The bill will be referred to the Committee on the District of Columbia.

AMENDMENTS TO OMNIBUS CLAIMS BILL.

Mr. FRAZIER submitted an amendment intended to be proposed by him to House bill 15372, known as the "omnibus claims bill," which was referred to the Committee on Claims and ordered to be printed.

Mr. BULKELEY submitted an amendment intended to be proposed by him to House bill 15372, known as the "omnibus claims bill," which was referred to the Committee on Claims and ordered to be printed.

Mr. PENROSE submitted two amendments intended to be proposed by him to House bill 15372, known as the "omnibus claims bill," which were referred to the Committee on Claims and ordered to be printed.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. FRYE submitted an amendment proposing to increase the salary of the assistant clerk to the Committee on Commerce from $1,440 to $1,800, intended to be proposed by him to the legislative, etc., appropriation bill, and moved that it be printed, and, with the accompanying paper, referred to the Committee on Appropriations.

Mr. KNOX submitted an amendment proposing to increase the salaries of the superintendent and assistant superintendent of the Senate press gallery, intended to be proposed by him to the legislative, etc., appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

Mr. CURTIS submitted an amendment proposing to appropriate $75,000 for the improvement of the Missouri River on the Missouri side across from Atchison, Kans., etc., intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

Mr. GUGGENHEIM submitted an amendment proposing to increase the salary of the surveyor-general of the Territory of Arizona from $2,000 to $3,000, etc., intended to be proposed by him to the legislative, etc., appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

WITHDRAWAL OF PAPERS—WILLIAM H. THOMAS.

On motion of Mr. WARNER, it was

Ordered, That the papers filed for consideration in connection with the bill (S. 735) granting a pension to William H. Thomas be withdrawn from the files of the Senate, no adverse report having been made thereon.

HOUSE BILLS REFERRED.

H. R. 6195. An act to authorize A. J. Smith and his associates to erect a dam across the Choctawhatchee River in Dale County, Ala., was read twice by its title and referred to the Committee on Commerce.

H. R. 13735. An act to correct the military record of Micaiah R. Evans was read twice by its title and referred to the Committee on Military Affairs.

THE UNITED STATES NAVY.

Mr. HALE. Mr. President, I have two very important documents in the way of reports upon naval conditions, which I shall ask, after a brief explanation, to have printed in the RECORD and also to be made Senate documents.

In the January number of a widely circulated magazine appeared a leading article, entitled "The Needs of Our Navy," by Henry Reuterdahl, associate of the United States Naval Institute. The article naturally attracted attention far and wide, not only in this country but throughout all of the world interested in the development and maintenance of great navies. It was a most carefully written and elaborate article. It attacked the Navy Department, the bureaus engaged in the construction of war ships, and in detail assailed the design and construction of the new battle ships, especially those that have been authorized by Congress in the last fifteen years. It dealt sweepingly with almost every important part entering into the design and construction of a great battle ship, the location of the armor belt, the height of the freeboard, the position and height of the guns, the turret ammunition and hoist, and the size and efficacy of turret ports.

The article was so general in its attack and the subject so completely included the design and structure of battle ships that, as I have said, the attention of the country and of the press was at once directed to it, and Congress immediately not only took an interest in the subject, but many Senators and Members, as well as honest, intelligent men outside, were troubled and distressed by the criticism.

Following the appearance of the article and the broad and deep interest in it in Congress and out, and as the conditions and administration of the Navy had been subjects considered here from year to year, I prepared a bill (S. 3335) entitled "A bill to increase the efficiency of the personnel of the Navy and Marine Corps of the United States," and introduced it in the Senate, with some remarks explaining its purpose. When introduced, it naturally attracted the attention of Senators who had been interested in naval matters and other Senators, and I remember distinctly a question asked by the Senator from South Carolina [Mr. TILLMAN], who is a member of the Naval Committee and has taken a great and intelligent interest in every subject touching the Navy. The Senator from South Carolina asked me, I thought fittingly, whether the committee, in the consideration of this bill, would take any course that would shut off an investigation as to conditions in the Navy. He referred to what I may characterize, and every Senator will recognize to what I refer, as the Brownson incident—the difference that had arisen between Admiral Brownson and the President—and he also referred to the article in McClure's Magazine, and asked whether the charges made there with reference to the administration of the Navy, the efficiency of

the bureaus, building ships, and the designs and structure of these vessels would be considered when the committee took up the bill.

The first and cardinal proposition of the bill introduced by me, which is now before the Naval Committee, relates to the administration of the bureaus and the duties which they shall perform; and it involves every question that is raised by the magazine article. It is the intention, I may say, of the committee in conducting this investigation under the terms of the bill which the Senate has sent to the committee, to go into all the questions relating to the work of the bureaus that have built the ships and the result of their work.

The Senator from South Carolina, as I remember, asked if it was a fact, as charged, that we have spent hundreds of millions of dollars upon ships that, when submitted to the test either of war or wave, will be found useless. That the committee should examine into.

Several weeks have passed, and I have frequently been asked, as other members of the committee have, why the committee has not proceeded to the investigation. The reason is contained in the papers which I shall presently bring before the Senate for printing. I learned that the Department, naturally solicitous and disturbed—I perhaps do not use too strong a word—by the charges of lack of efficiency in this great work of the bureaus in designing and building these ships, had set afoot a careful investigation of all the facts. I learned that the action of the Secretary was taken in connection with, perhaps at the suggestion, certainly with the entire approval of the President of the United States.

That investigation, the result of which is found in the papers which I shall present, was conducted by two very eminent officers in the United States Navy. One is Rear-Admiral Converse, known not only in the Navy, but to Congress and to the world as one of the most accomplished and experienced of the older officers of the Navy, who has held its most important places of duty and command at sea and on shore. He has given weeks of careful investigation into all of the conditions surrounding the bureaus and the work of the Navy Department in the design and building of battle ships His report is on my desk, and a little later I shall ask that it be printed as a document and referred to the committee.

In addition to that there is the report of Rear-Admiral Capps, who is at the head of the great Construction Bureau of the Navy Department, that has more to do with the design and construction of all the ships of the Navy than any other, a younger officer of the Navy, but of distinguished service, who, I think, has the confidence of everybody who knows him. I have also his report, and I shall ask, for I shall not consume much further time of the Senate, for the printing of these communications for the use of the committee and Senate. They are prepared at some length, because they cover a very broad ground, and they could not be complete unless the investigation had been most thorough.

I have the less hesitation, Mr. President, in asking not only that these important reports be printed and set before the Senate and Congress and the country, but in asking Senators interested in the very great questions that will come before Congress during *this* session touching the work of the Navy, its extent, its purposes, its mission, and its duties, to examine so far as they can these reports. Especially I ask members of the Naval Committee, who will have to consider the subject, to study them carefully.

I am justified in this, Mr. President, by the fact, which I do not think Senators or the public appreciate, that we have put into the new Navy for its structure and maintenance over twelve hundred million dollars. In the last twelve years, for the construction of ships and their maintenance and the maintaining of the Navy which we have authorized, the American people have put in within ten million dollars of a billion dollars in money—nine hundred and ninety million five hundred and seventy-two thousand and odd dollars.

This immense amount of money, Mr. President, has built up a magnificent Navy. I doubt whether that is fully appreciated. There is great clamor in certain quarters for an immense increase in the Navy, as though we had but a feeble modern or medium-sized Navy. We have to-day, with the ships that are nearing completion, what is held to be on good authority the second best navy in all the world. Examination by our own experts, I may say, discloses this, and the highest British authorities have stated that, as I have said, the American Navy to-day, including the ships which are nearing completion and are now already authorized, makes up the second great navy in efficiency in the entire world, and we are expending each year more than $100,000,000 in building and maintaining the American Navy.

Senators must remember that immense as is the cost of the original battle ship, when the battle ship is finished her large expense begins. The maintaining of the Navy, the manning, the conduct, the exercises, the voyages of these immense fleets amount each year to tens and tens and tens of millions of dollars. It is a part of what we are involved in with every battle ship that we build.

The distinctive question covered by these papers and which will first be considered by the Naval Committee of the Senate is the question whether these are good ships. The criticisms that are rife and that have startled the country and Congress and the world deny this. It will be a part of the business of the Naval Committee, assisted by these papers and the summoning of important officers of the Navy, to settle this question so far as it can one way or the other.

I have faith to believe, Mr. President, that the present system in the Navy, which has carried us through three wars, while perhaps, like everything of human device, not perfect, is the best system practicable and of possible operation. I do not think these ships are perfect. No man can build a house and have it burn down, as has been my fortune in the past, and build a second house that will not be an improvement on the first, although conducted upon the same general plan. The Bureaus that have in charge this great work, to which we have committed them by our appropriations, have made changes in designs, plans, and structures from year to year. But, Mr. President, every other naval power has done the same thing. It would not be good management and good husbandry of the money committed to the Navy Department by Congress if improvements from time to time were not made in the ships, in their class, in their design, in their entire structure. I have given some attention to the subject for a good many years, and I have reported all the naval appropriations for more than thirty years, and taking these ships, small and large, as they come forth from the Department and are submitted to their tests, and are armored and equipped and manned and sent forth to sail the seas, I believe they compare favorably with corresponding ships in any other navy, and that the Department has done its work well, so that to-day we have, I believe, as I hope that the examinations to be made by the Naval Committee will disclose, that we have to-day a magnificent Navy in size, and a Navy of as good ships as corresponding ships built by other naval powers anywhere in the entire world.

The committee, taking these investigations as a basis of the first distinctive part of the bill which I had the honor to introduce, and which is now before the committee, the work of the Bureaus building the ships, will, I hope, make a thorough examination, summon naval officers, summon critics, summon everybody who can throw light; and as soon as it is practicable, considering the magnitude of the subject and the engrossment of many members of the committee in other duties besides that on the Naval Committee, will submit to the Senate the result of its investigations and its report upon the Senate bill which is now before that committee.

Mr. TELLER. Mr. President——

The VICE-PRESIDENT. Does the Senator from Maine yield to the Senator from Colorado?

Mr. HALE. Certainly.

Mr. TELLER. Before the Senator sits down, I should like to ask him a question.

I notice what the Senator says about the character of our ships. Of course I assume that his attention has been called to the criticisms by quite a competent individual, apparently, of the physical condition of our ships, particularly in some details that he mentions. Does the Senator mean to say that that is an error, and the physical conditions are different, or being as stated, that they are not objectionable? I refer to the article in McClure's Magazine.

Mr. HALE. That is the article I have alluded to and which was undoubtedly the basis of the naval investigation. Of course I must be guided by the facts disclosed in the investigation. I have read a portion of these important documents, and if their conclusions are correct, the criticisms are unfair, are unsupported by the facts, and do not disclose the real condition and efficacy of the battle ships. But that is one of the subjects that the committee has got to go into. That is my impression.

There is one, I may say, curious feature about the criticism to which I have referred and upon which the investigation was set afoot. It discloses a certain familiarity with naval conditions and naval work and naval structure, which apparently could only be possessed by naval officers who are presumed to know, and who do know more about the details and the technicalities of naval construction than any outside person, whether he be a member of the Naval Institute, or a newspaper critic, or whatever he may be. There is a certain familiarity, I repeat, shown in this article, and one of the purposes of the investigation to be conducted—and I think the committee should go into

that also—is to see whether naval officers, and, if so, who they are, have contributed to these criticisms, and whether they are right, and we have got a comparatively useless, though enormously expensive, Navy.

Mr. TELLER. Mr. President, I should like to say just a word on this subject. I think the defects pointed out in this article could be just as easily understood by any intelligent citizen as by a naval officer. The question of whether the magazine, where the powder is stored, is in a position in a ship to be ignited in the ordinary course of the operation of the ship is one that you or I, Mr. President, could tell just as well as the most skillful navigator in the world. Another question, as to whether the armor is too low on the ship and whether it should be higher, seems to me a question of common consideration and common sense. I do not think we want either a skilled engineer or a skilled officer to tell us whether there is danger to a ship with lower armor that does not exist if the armor is higher. I do not think there is any question about those things.

Mr. President, I do not pretend to be an expert in this matter; I never was on board a war vessel in my life; but I do know that, if you have got a condition where a powder magazine is liable, when a gun is fired, to have the fire go into it and blow it up, that is a mistake. Any American with a little common horse sense would know that. The question is, Does that fact exist? I do not know whether it does or does not. That is one of the things which I presume the Department must look into.

Of course I know the difficulty of investigating these questions and coming to a proper conclusion. I know every officer of the Department who has been connected with the Government for the last twenty-five years will stand by what the Government has done, and that if we get any information which amounts to anything, we must call somebody from the outside and use some common sense.

I have had a good deal of pride in the American Navy. I have been pretty liberal in voting for ships ever since I have been in public life, but I confess, Mr. President, that after reading this article I was greatly shocked, at least, and was somewhat worried over the condition which the writer says exists. As the Senator from Maine [Mr. HALE] says, the man who wrote that article shows a very thorough acquaintance with the character of each ship and the distinctive features of each ship of which he attempted to treat.

I do not believe this article can be turned down, Mr. President, by a simple inquiry of a few naval officers as to whether or not they think this is a proper thing to do. Let us compare our Navy with the other navies of the world with reference to these alleged defects. If they are found to exist, let us see if there is not a way to remedy them, which I have no doubt there is, in the construction of the ships, and see to it when we build ships in the future that we do not build them of a defective type.

Mr. HALE. Mr. President, the suggestion which the Senator from Colorado makes is precisely what will constitute the work of the Naval Committee to get at all the facts. As I have said, no better basis to start upon could be had than a broad and faithful examination, first, by the Navy Department itself, to be submitted to the test which the Senator suggests, of good sense, and the application of everyday reasoning and observation as to those ships before any report shall be made. Each of the subjects to which the Senator referred, and all of the others to which I have referred, touching the design and structure of each one of these ships, is fully treated of in these papers, whether correctly, whether arriving at a right conclusion, whether they will stand the test of the examination of the committee it is not for me now to say, but I have no doubt we shall summon officers and experts, and whoever shall be wanted to throw light on these great questions, and it will be valuable for the committee to have these reports.

I present, Mr. President, first, a statement of Rear-Admiral Converse in refutation of alleged defects of the design and construction of certain naval vessels of the United States. I ask that it be printed in the RECORD and also as a Senate document, and be referred to the Committee on Naval Affairs.

The VICE-PRESIDENT. The Senator from Maine presents a statement of Rear-Admiral Converse, which he asks may be printed in the RECORD without reading, and also printed as a Senate document and referred to the Committee on Naval Affairs. Without objection, it is so ordered.

The statement referred to is as follows:

Statement of Rear-Admiral Converse, in refutation of alleged defects in design and construction of certain naval vessels of the United States.

NAVY DEPARTMENT,
Washington, D. C., February 6, 1908.

SIR: In compliance with your verbal instructions, I have the honor to submit the following statement in regard to certain criticisms which have appeared from time to time in the public prints and elsewhere purporting to describe matters connected with the Navy and which, from their character, would seem to have been prepared by persons whose knowledge of the subjects discussed was limited and incorrect. These articles have undoubtedly caused wrong impressions, which a statement of the facts may in a measure correct.

In investigating this matter, recourse has been had to the official records of the Department, to the reports made by officers of our Navy and of foreign services well qualified to pass upon the subjects handled, to professional and other publications of acknowledged authority and high standing, and to other sources also recognized as authoritative.

The records and correspondence bearing upon the designs of our earlier battle ships are voluminous and complete, and it is apparent that the subject was thoroughly considered and discussed during the preparation of the designs of these vessels, and although decided differences of opinion appear, there seems to have been ample justification for the designs which finally received the approval of the Department.

It is not claimed that mistakes have not been made or that our ships are without faults; but in view of the then state of the art of battle-ship building, this fact is not to be wondered at. It is remarkable that the mistakes were so few and that none were really serious. In this respect our record will compare most favorably with that of foreign services.

BATTLE DRILLS.

Battle drill is the exercise or drill of the ships of the fleet individually or collectively for the purpose of training to meet the enemy under the conditions probable or liable to occur in battle. These conditions are varied and numerous, and no human being can foresee or foretell them. The training should, therefore, be along those lines which are deemed most favorable to us for meeting and defeating an enemy under the circumstances upon which we consider that he is likely to make his attacks. To this end our Navy has for some years past, so far as possible with the ships available, endeavored to solve practically problems of attack and defense of our coasts, and in carrying out this policy has worked alone, at other times in cooperation with the Naval War College, which has devised and studied these problems, and still at other times with the Army and Militia. It has been the practice in our Navy in the conduct of fleet and squadron operations to have a special board of officers devise and outline the contemplated scheme, but the carrying out of the details under the general plans has been left to the wisdom and discretion of the Commander in Chief and the commanding officers under him. The following extract from an order of the Secretary of the Navy will give an idea of the instructions and the manner of execution:

"The object of the maneuvers is to gain experience useful in war, and it is therefore desirable that all drills and exercises during the winter shall be carried out under the conditions pertaining to actual war."

Squadron and fleet operations have in accordance with the above quoted instructions been consistently carried out so far as practicable under war conditions. Scouting expeditions were sent to get in touch with the enemy and report his movements to the heavy battle fleet; signal stations were established at prominent headlands and on islands along the coast; torpedo attacks were made by both surface and submarine torpedo vessels; forts were engaged; and at temporary naval bases guns were landed and mounted, mines planted, picket boats kept patrolling, guard ships established for protection of mine fields against attacks by an enemy, and many other details incident to war conditions which are too numerous to attempt to mention.

Drills by divisions (four ships) and squadrons (eight ships) have been carried on whenever ships could be assembled for the purpose; but in a small navy such as ours, with ships required virtually at all times to guard our varied interests in widely scattered parts of the globe, the assembling of the necessary number of ships for drill has been frequently and much hampered. In the spring of 1903 it was practicable, for the first time since the construction of the "new navy," to obtain a squadron of eight battle ships—the least number necessary for properly performing squadron drills—and since then those eight battle ships have been, so far as possible, kept together for drill purposes. In the spring of 1907, by the completion of new vessels, this number was increased to sixteen battle ships, thus completing two squadrons, which when united formed a fleet. It then, for the first time, became possible to hold and carry out fleet tactics, which were begun in July and August last. In September it became necessary, on account of target practice and needed repairs, to separate the ships temporarily and later on to fit them for their voyage to the Pacific coast, upon which they are now engaged.

Before the eight battle ships were available (in the spring of 1903) fleet drills assimilating war conditions were carried on with cruisers, gunboats, torpedo boats, and such other vessels as could be brought together and used, and frequently the necessary number of vessels for conducting operations were obtained by assigning steam launches, by doubling the distance between ships, and supposing vessels in the intervening vacant spaces, and in other similar ways.

Owing to want of similarity in size, speed, handiness, and other tactical qualities of the vessels employed, drills of this nature were most unsatisfactory and productive of little benefit, either in training officers to handle ships or in developing tactics.

In addition to the hundreds of times when ships were drilled at sea and in port in tactics, as shown by the reports of officers engaged therein and by the entries in the log books, the following instances of "battle drills"—that is, drills such as would be useful and perhaps necessary in battle—have been conducted since the summer of 1900:

September, 1900. The North Atlantic fleet, in cooperation with the Army, carried out a series of maneuvers in Narragansett Bay and also submarine-boat operations in conjunction with the fleet.

Summer, 1901. Extensive maneuvers were held in and about the waters of Long Island Sound.

August, 1902. A fleet-search problem assimilating the search for a hostile fleet attempting an attack upon the New England coast was carried out.

August and September, 1902. Combined Army and Navy maneuvers for the attack and defense of the south coast of New England were carried out.

December, 1902. The combined North Atlantic, European, and South Atlantic squadrons carried out search problems for assumed hostile fleets in the vicinity of Culebra.

December, 1902, and January, 1903. The Asiatic fleet, operated in the attack upon, seizure, and defense of Subig Bay, Philippine Islands.

July and August, 1903. The North Atlantic fleet conducted another search problem for a hostile fleet assumed to be operating against the New England coast.

August, 1903. The fleet held joint maneuvers with the Army off Portland, Me.

February and March, 1903. Fleet maneuvers were carried out in the vicinity of Culebra.

June, 1905. Joint Army and Navy maneuvers were held in Chesapeake Bay and Potomac River, the ships attacking and the Army defending.

July, 1905. Atlantic fleet carried out a search problem for a hostile fleet, assumed to be intending an attack along the New England coast.

January, 1906. A fleet-search problem between assumed hostile fleets was conducted in the Atlantic Ocean between Hampton Roads and Culebra.

February, 1906. Another fleet-search problem between assumed hostile fleets was carried out in the Caribbean Sea.

March, 1906. Fleet tactics using tentative tactical signals were carried out in the vicinity of Guantanamo.

July, 1906. Tactical drills were conducted with the fleet operating along the New England coast.

January and February, 1907. The Atlantic fleet conducted fleet tactics in the Caribbean Sea and vicinity, and the Asiatic fleet similar tactics in Far Eastern waters.

July, August, and September, 1907. The Atlantic fleet conducted fleet tactics off the Atlantic coast.

In addition to and not included in the foregoing test of exercises and operations are those conducted during the past several years by the three torpedo flotillas and the submarines, which have acted at times independently of the battle ships and at other times in conjunction therewith. At present there are four torpedo-boat flotillas and two submarine-boat flotillas in service, and it is anticipated that excellent results will be obtained from the exercising and operating of these flotillas under the plans and schemes contemplated.

It may be added in connection with the foregoing partial list of battle drills, that the squadrons of vessels taking part therein were commanded during the various years above referred to by Rear-Admirals Farquhar, Higginson, Sumner, Barker, Evans, Sands, and Sigsbee, all of whom saw active service during the civil war, and the commanding officers under them in almost all cases had similar experience during that war or in the war with Spain. It is only natural that such men as these, having gone through active hostilities themselves, would conduct battle drills with the ships under their command on the practical lines which their own experience and study had taught them. Whether considered of any merit or not by amateur critics in our own country, foreign navies and foreign publications of acknowledged professional standing have not failed to note and pay attention to these exercises.

It has been stated that there is no navy in the world which has had so little battle drill as ours, and that since the Spanish war, in 1898, the American Navy has had only "ten days of actual battle maneuvers—about sixty or eighty hours in nine years." The assertion that no navy in the world has had so little drill as ours is, in view of the actual facts of the case, as above shown, very erroneous and misleading. In regard to the assertion that since 1898 only ten days of actual battle maneuvers have been carried out by the Navy, attention is invited to the foregoing list of principal squadron and fleet exercises since 1900, which were carried out under conditions assimilating, so far as practicable, those to be expected and anticipated to occur in actual war, and were consequently battle maneuvers or drills in all respects, based upon carefully studied plans of what an enemy might attempt and how best such attacks might be met and repulsed. Considering the force available, it was not possible in peace times to have had more effective or realistic battle drills than such as these.

Now, that we have an assured fleet of sixteen battle ships, consisting of two squadrons of eight vessels each, it will be possible to carry out practically, systematically, and continuously schemes of fleet tactics and naval operations; but it is necessary that every effort be made to keep not less than this number of vessels together at all times, if that state of efficiency which our Navy is now rapidly tending toward and which the people of our country have a right to expect is to be maintained and fostered. The personnel of our Navy in ambition and professional knowledge is second to none in the world, and now that the opportunity—heretofore denied us by reason of lack of the requisite number of similar ships—has been reached we should make every possible endeavor to maintain this favorable condition, and in a comparatively short time the results from study, practice, and exercise of our fleet will leave us, perhaps, little to be criticised or desired professionally when compared with other navies.

FREEBOARD OF AMERICAN SHIPS.

Since the designing of our first battle ships of the *Indiana* and *Kearsarge* classes, which, by the way, were more properly considered as coast-line battle ships as distinguished from those of succeeding classes, which were seagoing battle ships, it has been the policy, with increase of speed and length of vessel, to add to the height of the freeboard, until in our latest ships now under construction the forecastle deck has been given a height above a load water line of 25 feet 9½ inches. Some criticism has been made from time to time because our earlier ships were not as high out of the water as some foreign vessels, but this is not a disadvantage so great as might appear or as many have tried to have the public believe. The *Indiana* and *Kearsarge* classes are too low forward for efficient fighting at sea in fairly heavy weather, but the remainder of our battle ships could without doubt give a good account of themselves in a fight at sea in any weather in which it is at all likely for fleets to engage. Our later designs of ships are fully the equal in regard to desirable or effective freeboard as foreign vessels.

In a recent magazine article criticisms were made of our ships with respect to their freeboard, which, in some respects, to say the least, were hardly in accord with the facts. The statements of the heights of the freeboard made in this article so far as regards vessels of our Navy are approximately correct, but the claim made by the author of the article referred to that "all modern battle ships in foreign navies have forward decks from about 22 to 28 feet above the water" is very far from the truth, as the following table, made from the most reliable data obtainable of representative battle ships of the navies named, will show, which gives the freeboard abreast the forward turret:

Name of vessel (class).	Nation.	Number of vessels completed.	Height of forward deck.
			Ft. in.
Dreadnought	Great Britain	1	28 0
King Edward	do	8	17 0
Triumph	do	2	18 0
Duncan	do	5	18 0
Majestic	do	9	20 6
Renown	do	1	18 3
Royal Sovereign	do	7	18 0
Aki	Japan	2	19 0
Kashima	Japan	2	18 6
Mikasa	do	1	18 6
Asahi	do	2	20 0
Republique	France	6	23 6
Jaureguibery	do	1	22 0
Suffren	do	1	23 0
Gaulois	do	3	24 0
Connecticut	United States	5	19 0
Virginia	do	5	18 2
Maine	do	3	18 9
Alabama	do	3	18 6
Kearsarge	do	2	13 3
Iowa	do	1	18 2

Of the above type, ships taken as representative of the British, Japanese, French, and our own navies, it will be noted that but one has a freeboard as high as 28 feet, as stated by the writer of the article, while the vast majority have a freeboard less than the minimum height fixed by this critic. On the whole, it would hardly be claimed, after an examination of this table, that the freeboard of our ships is so woefully short of what it should be or below the standard set by foreign services. It might be added, as a question for serious consideration in connection with the matter of high freeboard and high gun positions, that the Russian battle ships *Borodino, Kniaz Suvaroff, Oslybia,* and *Alexander III,* approximating 27 feet—higher than any of our own ships now in service or any of the type ships shown in the above table (excepting possibly the *Dreadnought*)—capsized or were otherwise sunk in the battle of the Sea of Japan, and this after only a comparatively short fight.

There is but one real justification for very high gun positions and that is to achieve efficiency for fighting in heavy weather at sea, and this single advantage is not only not likely, but is in all probability extremely unlikely to occur. To obtain this very slim advantage—improbable of realization—amateur critics would have us knowingly build our ships with such decreased protection or stability that injuries by shell, admitting water to the hull, may seriously endanger if not actually cause the capsizing of our vessels as in the cases above referred to. The question of high gun positions as against that of moderate height is one worthy of the very gravest consideration. Is it wisdom to adopt the former in the hope of attaining a condition for a lone advantage which may, and in all probability will, never be realized—and even at that time, as in all other times of the life of the ship, be subjected to the greatly overmatching disadvantage of necessarily loss of stability, the one element above all others upon which the safety of a vessel depends?

In discussing freeboard the fact should not be overlooked that it always has been the policy of our Navy to have our vessels always armed better than our possible opponents, and when it becomes a question of choice between lightly armed and armored vessels with comparatively high freeboard and more powerful and heavily armed and armored ships of moderate but sufficient freeboard we have always striven for the latter, and in the instances where our ships have less freeboard it will be found that they, as with the rest of our vessels, more than outweigh this slight disadvantage by the more weighty and telling advantage of armor and armament, which fact will be amply shown from a comparison of our ships and batteries with vessels of other navies of the same date of design.

It may not be amiss while dealing with the subject of gun heights and freeboard to add that the Japanese in their most recently designed ships have, notwithstanding an increase of speed and length of vessels, not raised their gun positions nor the freeboard, which is one of the results gained from their experience from their recent war, and which seems to uphold the good idea of our system of building ships without the excessive heights deemed to be necessary by some critics.

HEIGHT OF GUN POSITIONS.

The following table, compiled from what is considered the most reliable authorities available, gives the height above water at the load water line of the main battery, forecastle, and broadside battery guns of our own ships and those of British and French vessels of the same relative year of laying down:

Vessels.	Nation.	Main battery.	Broadside guns.
1891.		*Ft. in.*	*Ft. in.*
Indiana	United States	17 9	8 guns at 25 0 4 guns at 14 10½
Royal Sovereign	Great Britain	23 0	6 guns at 22 0 4 guns at 14 0
Jaureguibery	France	26 6	8 guns at 25 0 4 guns at 19 0
1893.			
Iowa	United States	25 6½	8 guns at 25 8 4 guns at 14 9
Renown	Great Britain	25 9	6 guns at 10 8 4 guns at 19 3
Bouvet	France	27 6	6 guns at 15 0 2 guns at 21 6
1896.			
Kearsarge	United States	20 2⅛	2 guns at 29 4⅛ 2 guns at 27 11
Alabama	do	26 8⅛	14 guns at 15 2⅜ 10 guns at 15 3 4 guns at 22 11⅜
Magnificent	Great Britain	27 0	8 guns at 14 8 4 guns at 22 3
Gaulois	France	29 0	8 guns at 20 6 2 guns at 28 0
1899.			
Maine	United States	26 10½	12 guns at 15 2½ 4 guns at 23 4½
Duncan	Great Britain	24 6	8 guns at 13 6 4 guns at 21 0
Suffren	France	30 0	6 guns at 23 0 4 guns at 15 0

Vessels.	Nation.	Main battery.	Broadside guns.
		Ft. in.	*Ft. in.*
1901.			
Georgia	United States	25 3½	4 guns at 35 0 4 guns at 25 4 12 guns at 14 8¾
Republique	France	33 7	8 guns at 27 10½ 4 guns at 29 10 2 guns at 19 8 4 guns at 11 7½
1902.			
Swiftsure	Great Britain	20 0 25 0	10 guns at 13 3 4 guns at 21 6
1903.			
Connecticut	United States	26 5	8 guns at 26 6 12 guns at 15 0½
King Edward VII	Great Britain	23 6	10 guns at 12 10
Liberte	France	33 7	4 guns at 27 10½ 2 guns at 29 10 2 guns at 19 8 2 guns at 11 7½
1904.			
Idaho	United States	23 3	8 guns at 23 2 8 guns at 14 7
Lord Nelson	Great Britain	27 0	10 guns at 23 0
1906.			
Michigan	United States	25 5	2 guns at 33 5 2 guns at 25 6 2 guns at 25 5 2 guns at 17 6 10 guns at 21 11 4 guns at 29 5 8 guns at 37 2
Bellerophon	Great Britain		Heights not obtainable, but probably not greater than our vessels of same date.
Danton	France		
1907.			
Delaware	United States	31 4½	2 guns at 39 4½ 2 guns at 32 1½ 4 guns at 24 1¼ 14 guns at 14 4½
St. Vincent	Great Britain		Heights not obtainable, but probably not greater than our vessels of same date.
	France		

In the foregoing the guns on the forecastle are classed under the head of main battery; and under the heading of "broadside guns" the heights of the intermediate battery guns firing on the broadside are given.

From the above table it will be seen that, compared with the British navy, our main battery guns, with the exception of the *Indiana* and *Kearsarge* classes (which were designed and built rather as coastwise than as seagoing ships), are about as high, if not higher, and that our broadside guns are considerably more elevated than in corresponding British ships, and the same may be said with regard to Japanese ships, as they are built almost on British lines.

The data for comparison with vessels of the German navy is not available, but it is hardly probable that the guns of their ships are any higher above the water than corresponding British ships. It will be observed that the heights of guns on French naval vessels are considerably higher than our own or the British. This policy of adopting high gun positions is a practice which the French have carried out for years, but which has not been followed by other nations, excepting the Russians. The wisdom of this practice of high gun positions is open to serious question, and it is quite probable that there are more resultant disadvantages than advantages when engaged in actual fighting and damages permitting the entry of water into the hull have been received, in which case the vitally important element of stability is a matter of the gravest danger in highly built ships, and much less so in those not so high.

After careful examination of the plans and data available, compiled from the most reliable sources, it is found that, with respect to the height of freeboard forward, height of main gun axes, and heights of broadside gun axes, our battle ships, with the exception of the *Indiana* and *Kearsarge* classes, are as high, if not higher, than the British and Japanese battle ships of the same period of design. These heights have been regarded as quite satisfactory by British and American officers of wide experience. We have never deemed it advisable to follow the French idea of great height of freeboard, but in our latest-designed ships, with increased speed, length of hull, and fine water lines, it has been thought wise to add to the freeboard. This, however, does not appear to be the Japanese practice, as in their latest battle ship the *Aki*, of approximately 20,000 tons, they have still held the freeboard forward down to less than that of our *Connecticut* class.

Inasmuch as high freeboards in ships of moderate length involves an enormous increase in weight without corresponding increase in military efficiency, it may be regarded that our practice of the past ten years or more, supported as it has been by that of Great Britain and Japan, with respect to freeboard and height of guns, has been wise and productive of good results. Moreover, the behavior of the Japanese battle ships in the fight of the Sea of Japan should be conclusive testimony as to the stability of such vessels to fight capably under rough weather conditions, were such additional practical evidence necessary. Finally, it may be added that to officers who have commanded our battle ships there seems unanimity of opinion that they can, with the possible exception of the *Indiana* and *Kearsarge* classes, fight their batteries in any sea in which naval actions are at all likely to take place. These opinions of officers who have actually commanded our ships are, it would seem, entitled to greater weight than the critics, among whom the loudest and most bitter have never commanded a ship, and therefore can have little, if any, practical knowledge upon which to base their erroneous criticisms.

TORPEDO-DEFENSE GUNS.

One of the lessons deduced from the Russo-Japanese war was that the 3 and 6 pounder guns, theretofore regarded as a part of a battle ship's defense against torpedo boat attack, were insufficient in power to effectively stop a modern torpedo boat under ordinary circumstances. Furthermore, since the range of the torpedo has recently increased greatly, guns of larger caliber and greater power and longer range have become necessary to prevent torpedo attacks. The 5-inch gun is now considered the smallest caliber effective for this work and has been adopted by us. All our battle ships now carry intermediate batteries of 5-inch or larger caliber, and those vessels still having 3 and 6 pounders on board are to have them replaced by guns of larger caliber as fast as the heavier guns can be provided. In the meanwhile our vessels are by no means unprovided to beat off hostile attacks of torpedo boats, as it is a well-known fact that the intermediate batteries of rapid or quick firing guns carried by our ships are amply able to meet the necessities, and, on the whole, are also more numerous than are carried by battle ships of other navies of approximately the same time of design.

BATTLE-SHIP ARMOR.

The armor of a battle ship is divided into two general classes:

First. That used for the protection of the gun positions.

Second. That used for the protection of the hull.

It may be assumed that the armor for the protection of the guns' positions of the vessels of our Navy is distributed satisfactorily, as the criticisms which have recently appeared have been almost exclusively confined to the distribution of the armor used for the protection of the hull.

The weight which can be devoted to armor protection is limited; and hence it becomes necessary to distribute such armor as is allowed to the best possible advantage.

The object of the hull armor is, generally speaking, twofold:

1. To protect the vitals of the ship—engines, boilers, and ammunition;

2. To preserve the buoyancy and stability of the ship itself.

The above are distinct functions. A shot may penetrate the vitals and disable the machinery or explode a boiler or magazine, thus disabling or destroying the ship, while the buoyancy and stability have sustained little or no damage.

Again, if there is inadequate protection to buoyancy and stability, a number of shots between wind and water may sink the ship bodily or throw so much of the plane of flotation open to the sea that the ship loses stability and capsizes, while the vitals are absolutely unhurt.

For convenience the armor used for protection of the hull may be designated as "belt armor," "side armor," and "protective deck."

The "belt armor" usually consists of a narrow belt (varying in our ships from a minimum of 7′ 6″ to a maximum of 9′ 3″ in width) sufficiently thick to resist penetration by the heaviest projectile, located with reference to the water-line of the ship and extending sufficiently far below the water to preclude all possibility of a shot entering the side or bottom of the vessel, unless, indeed, through an excessive roll or a listing of the ship due to wound or injury received, the side should become exposed below the belt on the raised side.

The "side armor" is thinner than the belt armor, but as thick as the limited weight available will permit, is placed on top of the belt armor and extends to varying heights, generally to the deck above.

The "protective deck" is, as its name implies, an armored watertight deck, completely covering the vitals of the vessel, and is usually at the level of the upper edge of the belt armor, extending flat to the sides in some vessels, and in others having its outer edges curved down to join the side at the lower edge of the belt.

A "cofferdam" several feet high filled with cellulose is built at the junction of the belt and protective deck as a further protection for the preservation of buoyancy and stability.

If the function of the belt armor was simply to prevent a projectile from reaching the vitals of the ship—engines, boilers, and magazines—evidently its position would be fixed wholly by the internal arrangement of the ship, and would be entirely independent of the vessel's draft. Further consideration of this function of the belt may be, therefore, omitted and its functions as a means of preserving the buoyancy and stability of the vessel, the qualities with which we are principally interested, considered.

The piercing of the hull under or below the belt would almost certainly be fatal to the vessel. The compartments here are large, the pressure of the water great, and it would be almost impossible to make use successfully of any appliance to stop the inflow and repair damage. Very probably, also, the projectile entering below the belt armor would meet with little resistance and would penetrate into the central portion of the ship, and if it exploded there, very possibly put the ship completely out of action. On the other hand, even should the upper edge of the belt be at the water line, the entrance of a shell above the belt armor would also be above the protective deck, and so long as the latter remains intact (i. e., not pierced by either the shell itself or by its fragments) no disastrous results would be entailed, as the parts of the hull above the belt and protective deck are subdivided by water-tight and other compartments in comparatively small sections, and the inflow of water into these small compartments detached from one another would be checked by the cellulose cofferdam and by the filled coal bunkers. Furthermore, the amount of water which would enter a vessel through a hole but a few inches above the waterline would not be materially greater than the quantity which would enter through an exactly equal hole two or three feet above that line in the case of a ship moving at speed in a seaway.

In 1895, the late Rear-Admiral Sampson, then Chief of the Bureau of Ordnance, Navy Department, wrote: "There must be a fixed depth of the armor below the water for ships of the same beam which would best fulfill its use, and this depth should always be maintained in action. * * * The depth should be whatever theory and observation may establish." It appears as the results of study and observation that at about this time the depth of armor below the water necessary for the protection of the hulls of our ships was fixed at 4 feet for vessels having approximately 70 feet beam.

The belt varies in width, depending on thickness (as affecting weight), and other considerations, and in our service has been from 7½ to 9½ feet in width. The lower edge of the belt is approximately 4 feet below the designed normal water-line on our earlier vessels and 5 feet on some of the more recent, and the upper edge is from 2½ feet to 4¼ feet above that line.

As the lower edge of the belt armor, in order to achieve the best results, must be a given depth below the water when a vessel is in

action, the question which naturally presented itself was: What would be the probable draft of a vessel when in action? Would it be the vessel's deepest draft? Its lightest draft? Or some intermediate draft?

A board, of which Rear-Admiral J. G. Walker, United States Navy, was president, on May 18, 1896, reported:

"A battle ship's 'normal' draft should be her 'fighting draft'—otherwise the term is inaccurate and misleading—not her maximum draft with all the ammunition, coal, and stores that she can carry, but her draft with a large percentage of these supplies—not less than two-thirds of her full capacity of each on board. And the position of the armor belt should bear its proper relation to this actual load line, not to a fictitious load line seldom realized under service conditions."

The above definition of a vessel's "normal draft" practically obtains to-day, the only exception being in regard to the amount of coal carried. This is somewhat less—and in our service corresponds to foreign practice—thus permitting a more accurate comparison to be made with vessels of other nations, as regards speed, maneuvering qualities, freeboard, height of gun positions, etc. It is with this "normal draft" as a standard that vessels of our Navy have been designed.

It is, however, unfortunately a fact, not only with respect to our own, but with respect to all other naval services, that the actual draft of men-of-war at completion is frequently greater than that for which they were designed, the principal reason for this discrepancy being due to changes of a military character made after the designs have been approved, and sometimes after actual construction has progressed for several years. This was notably the case with respect to the *Indiana* class of vessels, where an additional water-tight bulkhead was added after the unfortunate *Victoria* disaster, and in the *Virginia* and *Connecticut* classes, where radical changes in the turret and battery foundations were necessitated by improvements in the battery which had been developed subsequently to the approval of the design, but before the completion of the building of the vessel. The visible effect of this increased displacement is most apparent in the decrease in the height of the upper edge of the belt armor above the line of flotation of the vessel, this decrease amounting in some cases to 5 or 6 inches, rarely more than 9 inches. This fact, however, does not materially affect the defensive qualities of the vessel.

Much of the criticism which has been made in regard to the distribution of the belt armor of vessels of our Navy seems to be based upon the assumption that vessels will always strive to go into action at their deep-load draft, as is shown by the following quotations:

"To get into action with everything on board possible in the way of ammunition, stores, and coal will be a prime object of all good strategists. Therefore the water line about which the armor should be distributed is not the normal line." (Naval Critic.)

"No ship (battle ship) * * * has yet been planned to have a water-line protection reaching more than 6 inches above the water when she is ready to fight. The condition of our armored cruisers is almost the same." (Civilian Critic.)

Notwithstanding the above assertions, many of the most distinguished and experienced officers of our own and foreign navies still hold the opinion expressed in 1896 by that board of distinguished officers, of which the late Rear-Admiral J. G. Walker was president, that "the fighting draft of a battle ship would not be her maximum draft with all the ammunition, coal, and stores that she can carry * * * and that the position of the armor belt should bear its proper relation to this actual load line—not to a fictitious load line seldom realized in service conditions."

In view, however, of the very marked increase in the rapidity of gun fire since the above was written, it is undoubtedly desirable that a vessel should carry her full, or even an excess, supply of ammunition when in condition for battle, instead of the two-thirds supply, as above stated. This amount of ammunition carried would, of course, tend to increase the displacement and to give greater draft; but at the same time many articles carried in peace times would be sent ashore, as being unnecessary in war time and would largely, if not entirely, compensate for the increased supply of ammunition taken on board, and the final result would very probably be little or no increase of draft, the "normal draft" remaining practically undisturbed.

One of the principal causes of the defeat of the Russian fleet in the battle of Tsushima Straits in May, 1905, is attributed to the fact that the vessels of that fleet were overloaded with coal and stores of all kinds; and it is asserted that his subordinates were unable to understand the great desire which Admiral Rojestvensky always seemed to have to carry immense amounts of coal—his vessels having on board at this battle enough to steam a distance of more than 3,000 miles, while the actual distance required to be traveled was but 900. His ships were similarly overloaded with stores and supplies. This overloaded condition of the Russian fleet, let it be understood, was while passing through the waters and in immediate proximity to the naval bases of a hostile fleet of relatively their own strength, and with the probability of meeting the enemy's fleet in battle so great that it might have been regarded as almost a certainty. On the other hand, it is stated on reliable authority that the Japanese fleet, in anticipation of meeting the Russian fleet, had been completely stripped by removing everything possible in the way of weight (equipment, superfluous stores, etc.), from the vessels, and that they had on board at the time of the battle provisions sufficient to last only ten days. It may be reasonably assumed because of their lightness these vessels were near what we would call their "normal draft." Togo's fleet was in fighting trim; Rojestvensky's fleet was not. The result could easily have been forecast; still the critics of our Navy would have us believe that ships should always, as a preparation for battle, put themselves in the condition of those that met defeat.

The newly organized "battle ship fleet" proceeded to sea for "tactical" drill on August 26, 1907, and continued at sea exercising daily until the afternoon of September 5. An officer noted for his professional attainments and accuracy of judgment, who was detailed especially as an observer upon the drill and upon the behavior of the ships, reported as follows:

"*Armor belt.* There was little or no seaway to judge of its effect in exposing the armor belt of the battle ships. But the combined result of the sea and helm was observed at times to make a difference of 1 to 2 feet in the amount of the belt exposed. The amount of coal in the fleet during these exercises may be considered as normal—that is, the submergence of the armor belt was about the average. In all cases the top of the belt was exposed above the water, and in some cases upon arrival at Rockport the belt was exposed 3 or 4 feet."

This is the height of the armor belt above the water line after the arrival of the ships in port after the drills, even while the majority of them had considerably more than 1,000 tons of coal on board, and one only of the entire number had less than 750 tons, which is shown by an examination of the log books of the various vessels at the time. It may be further stated that with only one exception all the vessels composing the fleet above mentioned began the drills with bunker coal much in excess of their normal supply, several having from 1,500 to 1,800 tons on board, and at Rockport the majority still had from 900 to 1,600 tons remaining—that is, had about or more than one-half their total bunker capacity filled and still available for service—and yet the height of the armor belt above water was as stated above. Evidently, under these conditions, which are said to have been normal, the expectation of having the armor belt above water when the vessels are at their designed "normal draft" and ready for efficient service seems reasonably well borne out in practice.

Again, when this same fleet sailed for the West Indies last winter the ships were so loaded down that the upper edge of their belt armor was near the water line, and similarly when the fleet sailed but a short time ago for the Pacific their draft was even greater than on the other occasion. Both these cases, however, were exceptional, in that the fleet was making a "strategic" move and carried with it everything necessary for its own consumption on the cruise and everything possible in the way of supplies and ammunition for use at its future base, conditions which would not obtain in case of anticipated or imminent fleet action.

Notwithstanding, however, the low position of the top of the main armor belt upon the two occasions above mentioned, which were, as above stated, exceptional and unlikely to occur in the event of hostilities, still the safety of the vessels was in no way jeopardized thereby, as in our ships the protective deck is about on a level with the top of the belt armor. Any projectile striking against that part of the belt armor still above the water line would, in all probability, be either entirely broken up or in any case rendered practically harmless so far as any injury to the protective deck is concerned. Were a projectile, however, to strike underneath the belt armor, it would pierce the thin plating of the ship and perhaps destroy the motive power as well as fatally affect the flotation or stability by the large amount of water rapidly entering the large compartments of the vessel. As the belt is at its maximum depth below the water line, it affords an unusual protection to the bottom of the ship, and therefore there need be little or no apprehension of an injury in that region. On the other hand, a projectile striking above the armor belt, but at the water line, may pierce the ship's side and cause damage by explosion within, but such damage will not extend below the protective deck. The result, aside from the local effect of the explosion, will be that water will flow in, and may, unless checked, fill the smaller compartment to the height of the hole and affect the vessel's stability to that extent. This will be the result whether the top of the armor belt be at the water's edge or 2 or more feet above it. It therefore must be evident that a shell entering below the belt armor is of vital importance, while one entering above the belt, even if submerged, is incomparably less serious. Finally, as weights in the construction of our ships limit the width of the belt armor to from about 7 to 9 feet, it may be considered that about 5 feet below the normal water line would be a desirable distribution for battle conditions. But as submergence of the belt varies at times several feet, we must bear in mind that it is better to have the top of the belt awash or even submerged than to run any risk whatever of getting the bottom of the belt too high—that is, too near the surface of the water.

Referring to statements frequently made in print and otherwise from persons whose information upon the subject is not complete, to the effect that the main armor belt of our ships is habitually submerged or awash, a word in explanation of this error may not be amiss. In some of our ships the main armor belt protecting the magazines, engine, and boiler spaces, the vitals of the ship, extends usually from 2 to 3 feet or more above water when the ship has her ammunition, coal, and stores about in condition for active service; and this belt is, after covering the portion of the ship containing the vitals, narrowed down 15 inches and continued to the bow and to the stern where protection is not so vital. There is reason for believing that in some instances commanding officers have, by filling or emptying the trimming tanks, the shifting of weights, the use of coal exclusively from forward bunkers or other perfectly legitimate means, so trimmed their respective ships that they are down (when loaded) from 1½ to 2 or more feet by the stern. This depression or trimming by the stern, of course, causes a like depression of the after end of the narrowed-down armor belt, and in some instances it may be true that the extreme after end of this belt has been thereby submerged or awash, but a corresponding rise of armor necessarily follows from the extreme stern to the extreme bow. This condition of trimming by the stern is an entirely personal preference of the commanding officer of the individual ship, and may be due to the possibility of the ship steaming or handling easier in squadron; but it is hardly at all probable that she would be trimmed thus in time of war or preparatory to going into action. Even if so trimmed, the main armor belt—that is, the part protecting the vitals (the primary reason for its existence)—would be still well above water, and in no instance would it be submerged.

It is possible that persons unfamiliar with battle ships may take the top of the (usually red) painted water line ("boot-topping"), as representing the upper limit of the armor belt. This, however, can not be taken as a proper guide, as the position of the painted water line is variable, at times being possibly 2 feet or more below the top of the armor belt, and may have no relation or connection with its actual position. It is, therefore, readily seen how easily incorrect ideas of the height of the armor belt above water may be formed if judged from the position of the painted water line.

Those who advocate that the "deep-load draft" is the "fighting draft" claim that the belt armor should be disposed with reference to this water line so far as regards the submergence of its lower edge. As has been stated hereinbefore, the minimum depth to which the belt should extend below the water in order to afford proper protection has been fixed approximately 4 feet for our earliest vessels and 5 feet for the latest. Assume the belt armor to extend 5 feet below the deep-load line. As coal, stores, and ammunition are consumed the depth to which the belt extends below the water is constantly decreasing, and when these stores are reduced to what is considered the normal supply—which condition, in the opinion of many officers, is the proper fighting trim—the lower edge of the belt will be considerably less than 3 feet below the water in many of the ships. The most important part of the vessel (that containing the vitals) is thus left unprotected, and it is gravely proposed by these critics to bring the ship back to its deep-load draft (and thus submerge the belt to its proper depth) by the admission of water to the double bottoms. Were this theory carried out in our large ships of recent design the amount of water necessary to accomplish the results would be approximately 2,000 tons, but the structure of the ship will not permit of so large an amount being admitted to the double bottoms.

If the admission of the required amount of water were possible, it would mean:

a. A loss of the protection which the double-bottom system is primarily designed to give a vessel.

b. An increase of draft amounting in some cases to more than 2 feet.

c. A decrease of speed due to increase in draft and displacement amounting to from a knot to a knot and a half or even more.

d. Decreased handiness of the ship, due to the great draft.

e. A decrease in free board of approximately 2 feet.

f. A decrease in the height of gun positions by approximately 2 feet.

Certainly a vessel whose fighting efficiency has thus been impaired by artificial means is not in condition to meet an enemy who has taken the usual precautions deemed necessary to "prepare and clear his ship for action."

On the other hand, if the belt armor was disposed with reference to the "normal draft" of the ship, its lower edge would then be at least 5 feet below the surface of the water at all drafts between the "normal" and the "deep-load" draft, and it would not be necessary to compensate for the consumption of stores or reduction of weights by any artificial means; the under-water body of the ship would be protected so far as is contemplated by belt armor and the double-bottom system and in this respect always ready for battle. The additional weight of armor necessarily for this disposition of the belt would be approximately 225 tons, which would not under any circumstances increase the draft of the vessel more than 3 inches.

As the object of the belt armor is to prevent projectiles from entering the hull of the vessel at or below the water line, its thickness must necessarily be made to depend upon the quality of the material used. In our early days of battle-ship construction it was found that in order to prevent the penetration of the heaviest projectiles (13-inch) at a distance of 1,000 yards a thickness of 18 inches was necessary in the then state of the art of armor making. As the water itself would offer some resistance to a striking projectile, plates were made thickest at the upper edge and tapered gradually toward the lower. Of course it was necessary to make the belt as narrow as possible to fulfill its essential requirements in vessels of that date on account of the great weight involved. Of necessity the side armor was made thin—in some of the early ships only 4 inches. Improvements in armor making have been constant but gradual, and at the present time, without decreasing the resisting power of the belt armor, it has been possible to gradually reduce its thickness, and the saving in weight has been partially applied to increasing the thickness of the side armor, until at the present time, in our latest-designed ships, the difference in thickness of the belt and side armor is but 1 inch, and it is probable that even that difference will disappear in the near future, so that there will be no distinction between the two. While preserving full protection below the water, equal protection can now be afforded to the hull for a considerable height above. As the protective deck is still retained, it should be apparent to even the most biased critics that the protection thus afforded will compare most favorably with that of the ships of other nations.

TURRET DESIGNS WITH RESPECT TO AMMUNITION HOISTS AND MAGAZINE SAFETY.

Questions concerning the numerous mechanical devices and detail arrangements which go to make up such a complicated machine as a battle ship require considerable knowledge of details before discussions relating thereto can be readily understood by those not technically informed.

This observation applies with more or less force to the subject of turret design and to the criticisms relative to the open shaft direct ammunition hoist system employed in our battle ships as compared with one of the systems used in England and known as the "two-stage hoist," with a second handling room just beneath the turret floor.

The unfortunate accidents which have occurred in four of our turrets have more than ever forcibly called attention to the danger to which a ship's magazine may at times be exposed, and to the precautions usually employed in turret designs, both in this country and abroad, to avoid such a possible disaster. A description of the practice pursued in the turret designs of our own ships and those of foreign ships showing the general arrangement usually adopted will illustrate this point.

AMERICAN DESIGN.

The American turret design with respect to its ammunition supply may be described as of the all around loading direct ammunition hoist type. That is, the guns can be loaded at any position in the arc of their train and while in motion, as distinguishing the type from the former English custom of having to revolve the turrets to a fixed position for loading after each time the guns were fired.

The ammunition is hoisted from what is known as the "handling room" up a central hoist in the vertical axis of the turret and thence directly to the breech of the gun. All the parts connected with this ammunition hoist revolve with the turret.

Around the handling room at the base of the ammunition hoist are grouped the magazine and shell rooms for the storage of ammunition. These magazines and shell rooms are especially constructed compartments kept closed by water-tight doors and fitted with arrangements for flooding, etc. The powder in the magazines is stored in air-tight copper tanks and when required for loading into gun it is removed from the copper tank, passed through a scuttle closed by a flap in the door, and placed on the hoist which carries it direct to the breech of the gun. This general arrangement is shown as Sketch No. 1. To provide additional safety for the magazine a platform has been more recently placed between the turret floor and the handling room below, with an automatic flap steel door, through which passes the ammunition carrier.

ENGLISH TURRETS FOR 12-INCH GUNS.

English battle ships, commencing with the *Dreadnought, Thunderer,* and *Devastation* in 1869 up to the *Colossus* class of 1886, carried muzzle-loading guns, and that turret system has now become obsolete. Commencing with the *Colossus* class of 1886 the first of the breech-loading guns were mounted in turrets controlled by hydraulic power. The guns were loaded by training the turret to a fixed loading position, so as to bring the breech of the gun over an ammunition hoist working within a shaft or trunk built into the structure of the ship and independent of the revolving parts of the turret. The ammunition was supplied in carriers which traveled from the handling room on the magazine and shell-room deck direct to the breech of the gun. This same general arrangement was used on the English battle ships *Camperdown, Anson, Howe, Rodney, Collingwood, Nile, Trafalgar, Royal Sovereign, Royal Oak, Ramilles, Revolution, Repulse, Empress of India, Hood, Barfleur* (reconstructed 1903), *Centurion* (reconstructed 1903), and *Revenge,* which ships were built between 1895 and 1896. (See fig. 2.)

By this time the method of loading guns adopted in this country and France as a standard type for turrets was recognized by the English as possessing many advantages. The English "fixed" loading positions not only took a great deal of time to train their guns for loading, but also gave indication to the enemy when the guns were out of action and exposed a side view of them to the enemy's fire.

The criticisms against the English "fixed" loading position brought forth the design shown in sketch No. 3, which may be regarded as the second stage in the evolution of the modern English turret. In this design the natural conservative spirit is shown in the retention of the fixed loading position, while at the same time it was supplemented by a central ammunition tube revolving with the turret and through which the cordite could be hoisted from the magazine handling room direct through the turret floor. A number of explosive shells were carried in the turret and a number of charges of cordite were stored in pockets in the turret floor. By this means a limited number of rounds could be fired at any point in the arc of train and cordite could be supplied through the central loading tube when the supply required replenishing. Also when the supply of shell in the turret was exhausted, it was necessary to train to the old "fixed" loading position to replenish it. It will be seen at a glance that this was a compromise, but it is interesting as showing the process of evolution by which the "fixed" loading position was finally abandoned. This design of turret was placed in only a limited number of ships (seven) of the *Majestic* class built between 1895 and 1898 and included the *Magnificent, Mars, Hannibal, Jupiter, Victoria,* and *Prince George.* (Fig. 3.)

The next step is shown in figure 4, which was placed in five vessels of the *Canopus* class, the *Cæsar, Illustrious, Ocean,* and *Goliath,* built between 1897 and 1900. This design abandoned the "fixed" loading position and in a natural mechanical evolution attached the upper part of the "fixed" loading hoist to the revolving part of the turret, and used this portion of the hoist in connection with the central tube hoist. This resulted in what was called a "relay chamber" or a "working room" beneath the turret platform, where the ammunition was transferred from the lower hoist to the upper hoist. This arrangement has also recently been designated as "the two-stage hoist." In these ships it did not prove entirely satisfactory, due to hand loading and detail arrangements.

The next mechanical development toward simplicity would naturally result in a combination of the upper and lower hoists into one single hoist, and this we actually find to be the case, as shown in figure 5, which was installed in the English battle ships *Glory* and *Albion,* built in 1901, and in several foreign ships built by Armstrong & Co. This design shows the ammunition hoist inclosed in a trunk leading from the handling room abreast the magazine direct to the breech of the gun. This design of turret is characterized by a writer in a recent number of the Naval and Military Record as "the cleverest piece of workmanship and design that had yet been seen in naval turrets, but the two ships as a whole were never a success." The ammunition was a long time going up the long hoist and nothing was gained, as expected.

The next design was installed in the English ships *Centurion, Barfleur,* and *Renown* in 1903. It was a return to the *Canopus* type of 1900, with a relay chamber beneath the gun, making the two-stage hoist. Steam and electricity were introduced as part of the motive power.

Following these vessels came the nine vessels of the *Formidable* class, completed between 1902 and 1904. These also had the *Canopus* type of turret, with a 4° loading position, supplemented by a 1° hand-loading position and a chain-folding rammer.

The four vessels of the *Prince of Wales* class, 1902–1904, had a similar type of turret, but a further improvement was made by the introduction of a rammer that embodied loading to take place at any angle of elevation as well as at any angle of train.

In 1904 the *Triumph* and *Swiftsure* were completed in England. Their 10-inch turret mounts had central ammunition supply from the handling room direct to breech of gun. The design is similar in all important respects to that of the American turret design, except that the guns can be loaded at any angle of elevation.

The eight vessels of the *King Edward VII* class of 1905–6 and subsequent vessels have 12-inch turrets of the *Canopus* type of 1900, with improvements in details, some having a chain rammer enabling the guns to be loaded at any angle of elevation as well as at any angle of train. This has become the standard type of the English 12-inch turret mount and is shown in figure 6.

ENGLISH TURRETS FOR 9.2-INCH GUNS AND LESS.

The turrets for all English guns less than 12-inch, such as 9.2-inch, 7.5-inch, and 6-inch guns, differ materially from the turret designs described above. With these guns the English employ an ammunition hoist running from the shell room or handling room abreast the magazine direct to the turret.

The first 9.2-inch turrets of this general character were installed on the *Powerful* and *Terrible* in 1898. The shells were carried in bins underneath the floor of the turntable. "The cordite was supplied by means of a central trunk, which revolved with the turntable."

The *Cressy, Aboukir, Good Hope, Leviathan,* and *Drake,* of 1903–4, carried two single 9.2-inch guns on Armstrong mounts. A "shell carrier was provided as in the *Powerful*" and "hoists provided means of replenishing the shell bins, when necessary, and cordite was supplied by a central hoist direct to the gun from the magazine."

The *Hogue, King Alfred, Bacchante, Eurydus,* and *Sutlej,* 1902–3, had mounts built by Vickers and were practically the same as the *Cressy* class above. It is illustrated in figure 7, where is shown the manner of conveying the powder direct to the turret through a central revolving tube, the projectiles store under the turret floor, and the independent shell hoist for renewing the supply.

The ten ships of the *Lancaster* class, 1903–4, had 6-inch twin-turret mounts with electric control. "A traveling bay underneath the floor of the turntable carried 150 projectiles and the supply of cordite was by a dredger hoist working direct from the magazine."

The six vessels of the *Devonshire* class, 1904–5, carry four single 7.5-inch turrets. "The shell is carried in bins underneath the turntable floor, and cordite is supplied by hydraulically worked central tube." "Vertical tubes outside the turret for sending up additional shells direct from the shell room."

The six vessels of the *Duke of Edinburgh* class, 1905–1908, carry six single 9.2-inch turrets and four single 7.5-inch turrets. They are similar turrets to the above, as shown in figure 7.* This is the general standard type of mount (*Hogue* type of 1902) in the English navy on board both battle ships and cruisers for guns of this caliber.

FRENCH TURRET DESIGN.

The turret mounting for heavy guns in the French navy is very similar to that of the American design. In general the turret is carried on a truncated cone revolving on a pivot in the handling room, or the turret may be supported on roller bearings beneath the barbette.

* Not printed in RECORD.

The ammunition is hoisted through this central cone or tube from the magazine compartment direct to the gun in the turret similar to the arrangement employed by us. A typical French design for heavy guns is shown in figure 8.[a] In turrets for smaller caliber guns the arrangements are somewhat different, and the Naval Annual of 1901 states that the English 9.2-inch turret (*Hogue* type) is practically the same mount as used in the French navy for many years.

In other cases the smaller turrets have a ready ammunition supply in a relay chamber beneath the gun supplied by a central hoist. The ammunition is passed by hand hoist through scuttles in the turret floor to load the gun.

Some of the more modern French turrets instead of having the ammunition go direct to the breech of the gun, as shown in the sketch, have it delivered direct from the handling room to the turret at the side of the gun, from which position it is carried around the gun to rear and loaded by hand. Mr. Canet, the eminent French ordnance officer, stated in a recent lecture:

"The typical English practice, as regards ammunition hoists, is to make them in two sections, the lower to bring the ammunition from the magazine to a relay chamber, where it is taken upward again to the gun by another hoist. This system allows of a more rapid firing, as there is a large supply of ammunition under the gun; besides, there is less danger in the case of a shell bursting in the turret. Hence it appears better than the use of a single hoist direct from the magazine, as is the custom in French battle ships. * * * The turrets for the ships now building will embody all the improvements I have noticed above, such as relay chambers loading in any position and duplicate sights so that the rate of fire may be raised to two rounds per minute."

In some of the secondary turrets the base of the hoist is completely unmasked, going down into the handling room at quite a distance from the magazine, very much like our own system. In some modern cases the ammunition hoist for other guns is undefended at the base, although going directly in the middle of the magazine. It is customary in the French service to carry a few rounds of ammunition in the turret. This was also formerly a practice in some classes of English ships, but it appears that the present custom of the English is to carry shells only in the turrets or underneath the turret floor.

TURRET DESIGNS OF OTHER COUNTRIES.

In ship construction and design of naval vessels nearly all secondary powers have followed the practice of the English or French, in which countries most of their ships have been built. The Japanese have, in general, followed the English, and the Russians have followed both the English and the French. The latest English design of Vickers turret mounting is almost an exact duplicate of the American design of turret, having direct one stage ammunition hoist, spring return, with electric power throughout for handling and control. (See figure 9, from Engineering, March 22, 1907.)

SUMMARY.

Reviewing the practice of the different naval powers in respect to the design of turrets and the method of supplying ammunition it will be seen that the differences are not radical departures from any general idea, but refer principally to the detail mechanical arrangements. In all there exists an armored revolving gun platform to which ammunition is conveyed from the powder magazine and shell room on the lowest deck directly beneath the guns. Hydraulic, steam, pneumatic, electric, or hand power may be used to perform the various operations connected with serving the gun. Partitions, doors, and flaps separate the magazine from the turret over the route of the powder in its passage to the gun.

In this last respect the difference which has recently attracted most attention is that between the direct open-shaft ammunition hoist of the American turret and the two-stage closed-shaft hoist of the English 12-inch turret with their safety arrangements.

Taking the practice in the English navy, we find there are two standard types of turret mounts; one with a two-stage hoist and the other with a direct hoist.

The two-stage hoist is applied to about 56 turrets on battle ships mounting 12-inch guns.

The direct hoist is applied to 8 turrets on battle ships mounting 12-inch guns, and to 18 turrets mounting 9.2-inch guns, and to about 136 turrets on armored cruisers mounting 9.2-inch guns or less; that is, a total in the British navy of 162 turrets flitted with direct, as against 56 fitted with the two-stage hoist.

In all other navies the direct hoist is most frequently installed.

In regard to the safety of the magazine, it would appear from this practice that the question of a one or two stage hoist is immaterial. Safety more directly depends upon the number and security of door protection, or flaps, and the isolation of the powder in transit.

The English adopted their two-stage hoist because they found by practical experience it gave greater rapidity of loading, and the question of safety did not enter into the discussion at the time of its adoption. In both types of English turrets the safety devices would appear to be equally effective whether with a broken hoist or direct hoist. To insure equal rapidity the broken hoist requires more charges of powder to be en route between magazine and gun, and in case of accident the confined space of the relay chamber and inclosed trunk would cause the powder to burn with greater violence than with more open arrangements. The closed trunk of the direct hoist would also confine the gases more, and requires the doors and flaps to be effective. The English practice of carrying a large number of explosive shell within the turret has not heretofore been adopted in this country, nor that of carrying an emergency or ready supply of powder within the turret floor or relay chamber as practiced in some designs of foreign ships.

After an examination of the designs of turrets in foreign navies, it can not be said that the practice abroad in general is any safer than that in this country, and if the great majority of foreign turrets were to be subjected to four such severe ordeals as ours have passed through it is difficult to say that they would have fared any better or even as well.

There remains no question, however, but that effective screens should be interposed to isolate the powder charge after passing out of the magazine, and whether we adopt the more complicated two-stage English hoist to gain rapidity or adhere to the simpler direct hoist of American design, it is independent of the question of safety devices which can be made equally effective for both.

AMMUNITION HOISTS.

Of each of the battle ships of the Navy now in commission and building it is known that at the time of their design the ammunition hoists were fully able to supply more than the quantity of ammunition then considered necessary for the most effective use of the guns under battle conditions.

Within the past few years the rapidity of gun fire has undergone a most surprising increase, and in consequence in some of our ships the ammunition hoists are, by reason of their earlier design, unequal to the demands now required to supply the guns under the conditions laid down for conducting our present system of target practice, which may be considered in the main as theoretical and misleading and not in the least likely to be met with in war. The apparent deficiency in the supply by the present hoists as shown under target-practice conditions would, however, not be by any means so great in battle as is apparently considered by some of the critics, as it is extremely doubtful if in actual fighting as much ammunition would be required or could be used as is now the case under present target-practice firing. As an instance of the very marked change in times in seconds between fires of the various calibers of guns which were considered good and effective firing by the Department between the years 1897 and 1903, when compared with the rapidity of fire as shown by the same calibers of guns in the record target practice held during the year 1907, the following table may be interesting:

Department's instruction relative to target practice, July 22, 1897—Time between fires.

	Seconds.
13-inch B. L. R.	320
12-inch B. L. R.	300
10-inch B. L. R.	240
8-inch B. L. R.	120
6-inch B. L. R.	90
5-inch B. L. R.	70
4-inch B. L. R.	60
6-inch R. F.	40
5-inch R. F.	25
4-inch R. F.	20
6-pounder	12
3-pounder	10

Results obtained at record target practice, 1907—Time between fires.

	Seconds.
13-inch (*Alabama* class)	40
13-inch (*Indiana* class)	51
12-inch (*Maine* class)	45
12-inch (*Iowa* class)	51
8-inch (*Colorado* class)	24
8-inch (*Kearsarge* class)	30
8-inch (*Indiana* class)	32
8-inch (*Iowa* class)	33
6-inch 50 calibers	7.9
6-inch 40 calibers	8.2
5-inch 40 calibers	5.5
3-inch 50 calibers	4.8
6-pounder semiautomatic	3.9
6-pounder rapid-fire	5.2
3-pounder	5

From the above table it will be easily seen that ammunition hoists fully capable of meeting all demands anticipated at the time of their design a few years since may not now be capable, nor could they reasonably be expected to be capable, of supplying the largely increased demand (an increase of from five to eight fold) made upon them by the surprising development of rapidity of gun fire. It is expected that recently designed and coming designs of hoists will fully meet present demands, but it is quite probable that the development of the next few years may render designs now equal to all demands liable to the same faults the critics observe in our earlier designs—that is, unequal to meet a future unknown increased requirement. In some of the ships necessary changes have already been made to bring the hoists up to the present requirements, and it is hoped, as circumstances permit vessels to be withdrawn temporarily from service, the remaining hoists may be changed to meet the increased demands.

IN AND OUT TURNING SCREWS.

Until 1895 it had been the practice in our Navy to build all twin-screw ships with out-turning screws, notwithstanding the fact that other navies, noticeably the British, had for some time been designing vessels with in-turning screws. Experiments were carried out, and after much research, the conclusion was reached that the in-turning screws gave a slight gain in speed without loss in maneuvering qualities, so long as the vessels were under way; but with no way on, the in-turning were not quite so efficient as out-turning screws. The arrangement of the machinery in vessels fitted with in-turning screws, however, was considered more desirable. The advantages were supposed to be somewhat in favor of the in-turning, and in 1895 they were adopted for some of our vessels. Since then there have been constructed seven battle ships, eight armored cruisers, six cruisers, two gunboats, twelve torpedo-boat destroyers, seven torpedo boats, and four monitors, having in-turning screws.

After considerable trial and further experiment with the vessels built with in-turning screws, it was decided that their supposed advantages did not compensate for the disadvantage of maneuvering when in squadron and under certain other circumstances, and the Department on April 15, 1903, decided to design all future vessels with out-turning screws; and, furthermore, to change from in to out turning screws all vessels then building, provided the condition of the work on the vessels under construction permitted this to be done without excessive cost. All of our vessels designed since April, 1903, have out-turning screws.

THE "KEARSARGE" AND "KENTUCKY."

The act of Congress of March 2, 1895, authorized the construction of two "seagoing coast-line battle ships," subsequently named the *Kearsarge* and *Kentucky*. These ships were to be larger and more powerful than any of their predecessors, the *Indiana*, *Massachusetts*, *Oregon*, and *Iowa*.

The records of the Department show that during the preparation of the plans for these vessels the opinions of many officers of high professional standing were sought on the various military and other features involved, and it is believed that the designs at the time of their approval, twelve years ago, embodied as far as practicable all the improvements and best ideas relative to battle ships then known.

Among other new features introduced into these two ships was an improved method of controlling the recoil of the heavy 13-inch turret guns. In previous vessels this recoil has been checked by two hydraulic cylinders located under the gun. This system had not given satisfaction. A new type of carriage was designed having four recoil cylinders—two on top and two below the gun—but the center of oscillation of the gun itself was necessarily changed, so that the distance between it and the side of the turret was about 14 inches greater than before. This change necessitated a somewhat larger port opening, in or-

der that full elevation and depression might be given the guns. In all cases it had been customary to provide for a clearance of 1 inch on either side and above and below the gun and its port when the former was at extreme elevation or depression.

At the time of the design of the *Kearsarge* the port area was known to be slightly greater than that of previous ships, and was fully considered and recognized as a disadvantage, but was thought to be more than compensated for by the advantages derived from the new type of mount and also by the knowledge that a chance shell entering the port and damaging a recoil cylinder would not, as in all previous turret mounts, put the gun out of action, as the remaining two or three recoil cylinders would still be sufficient to push the gun back into the firing position, which is not the case in prior battle ships, where the gun might be completely disabled by a small fragment of shell or, perhaps, even by a shock rupturing one or more of the several hydraulic or steam pipes operating the gun.

For the reasons above stated, in addition to others, the best opinion inclined to the view that the turrets of the *Kearsarge* and *Kentucky* were, notwithstanding the increased areas of their ports, much more reliable and effective for heavy gun service than those of any of their predecessors. This view is fully borne out by the twelve years of excellent service performed by these guns, and they are still efficient weapons.

It has been stated that "the openings above and below the guns in the turrets of these ships are 10 feet square." If this were the case, the exposed area would be 100 square feet. As a matter of fact, it is by actual measurement 9.12 square feet.

The accompanying sketch,[a] drawn to scale, shows the outside face of the 13-inch turret gun ports of the *Indiana, Iowa, Kearsarge,* and *Alabama* classes of battle ships and represents the actual appearance of the turret ports with the gun's level, the hatched portion being the section of the gun at the outer face of the port. It will be seen that the relative sizes of the areas exposed to hostile shot do not differ so greatly in varying types of ships as some critics would have the public believe. In the case of the *Iowa* the guns are 12-inch instead of 13-inch and the range of elevation is only 13° instead of 15°, as in the other types, which accounts for her turret openings being smaller than the others shown in the drawings.

The chances that even one heavy shell would enter the space above the port in action are very remote indeed; but the phenomenal advance made during the past few years in rapidity and accuracy of fire of the intermediate and secondary batteries of warships has accentuated the recognized importance of reducing the port area to a minimum, and of providing a suitable protection. Steps were taken to accomplish this result in 1903; and all vessels completed since the beginning of 1904 (except four cruisers of the *Colorado* class, having 8-inch guns) have been fitted with shutters or shields as shown in the sketches following pages 65 and 66. Similar protection is to be fitted to the older vessels when circumstances permit of their being withdrawn from service sufficiently long to enable the change to be completed.

As has been previously stated, there was probably more discussion over the preliminary designs for battle ships Nos. 5 and 6 (*Kearsarge* and *Kentucky*) than over any others which have been built for our Navy. The general questions of the battery, armor, speed, etc., were fully discussed. The proposition to use superposed turrets was novel, and the views of many officers were sought. The relative merits of the 12-inch and 13-inch guns were duly considered, and the caliber of the intermediate battery was fixed at 5 inches, because that was considered the largest that could use "fixed" ammunition, then deemed essential to any gun deserving the name of "rapid fire." Whether these 5-inch guns should be mounted in pairs in small turrets, or be boxed in, or simply separated from one another by splinter bulkheads, was fully argued, and conclusions reached only after mature deliberation.

It is worthy of note that at the time these vessels were built our Navy was still using brown powder in its heavy guns, and on account of the residue left after firing it was necessary to sponge out the bore of the gun after each round. Accordingly the Chief of the Bureau of Ordnance stated that the rate of fire of the batteries of these vessels would be as follows:

13-inch guns, one shot every 300 seconds;
8-inch guns, one shot every 120 seconds;
5-inch guns, one shot every 20 seconds.

The guns and mounts were designed to meet these requirements.

At the recent target practice the maximum rate of fire for the guns of the *Kearsarge* was given as follows:

13-inch guns, one shot every 35.5 seconds;
8-inch guns, one shot every 22.9 seconds;
5-inch guns, one shot every 4.24 seconds.

The adoption of smokeless powder did away with the necessity for sponging out the guns after firing, as it left no residue in the bore, and hence it became possible to greatly increase the rapidity of fire. This powder also gave increased velocity and consequently greater range and penetration to the projectiles, and by the adoption of new sights increased accuracy of fire has been obtained; but the guns being shorter than those of more recent construction, are much less powerful. While the offensive powers of these vessels have been greatly improved, the defensive qualities still remain the same as when the ships were designed, nor can they well be changed until the vessels are withdrawn from active service for a general overhauling and remodeling.

It is claimed that these vessels are "not fit for service in battle line against really modern vessels." No one would claim that these ships could engage in battle on terms of equality with the most modern battle ships, as they are inferior in size, armor, and armament to the latest vessels of our own and foreign navies, and to assert otherwise would be tantamount to denying that there had been any progress made in the art of battle-ship building for twelve years. No commander would hesitate to take these vessels into a fleet action, and it can not for a moment be believed but that, with their heavy battery of 13 and 8 inch guns and good armor protection, they would give an excellent account of themselves, not only against ships of about their own date of design, but also against any other vessel falling within the range of their guns. They are good and effective ships, but we do not claim they are as efficient as more recent vessels.

GENERAL NOTES.

Criticisms have been frequently made of the fact that a few of our large vessels are not fitted with automobile torpedoes, and at the present time it is recognized that the absence of these torpedoes is somewhat of a disadvantage. At the time of the design of the large vessels which are not fitted with torpedoes the question of the advisability of giving them a torpedo outfit received careful and thorough discussion and consideration, and the outfit was omitted for what were deemed very good and sufficient reasons. At the time these vessels were designed (from about 1900 to 1902) the torpedo had an effective range of about 1,000 to 1,200 yards, and as it was not expected that hostile ships would engage in action within that distance the torpedo became a weapon of secondary importance, and it was not thought that the installation of this comparatively secondary weapon in large vessels would longer justify the assignment of the necessary space, which could be used to so much more effective military purpose otherwise. As late as 1905 a most distinguished admiral of the British navy, writing of the use of the torpedo during the naval operations of the campaign of 1904 in the war between Japan and Russia, stated: "It is not too much to say that experience of the late campaign, confirming as it does the arguments of students of tactics in these days of long-range guns, justifies a demand that torpedoes should be withdrawn from the armament of cruisers and battle ships."

Since our large cruisers and battle ships not fitted with torpedoes were designed the effective range of the torpedo has undergone a great increase, and it is now claimed to be efficient up to 4,000 yards. This improvement has rendered them again, as in former days, a weapon to be reckoned with and consequently we readopted them, and all our large vessels designed since this improvement carry torpedoes, as do also all of the other vessels originally so designed wherever it has been practicable to so rearrange their underwater space as to enable the tubes and accessories to be installed.

It may be stated that our policy of temporarily abandoning the torpedo for battle ships and armored cruisers when it failed to keep pace with what was considered battle range for guns and again taking it up when improvements made it once more a useful and effective weapon within the battle ranges was not different from the policy pursued by foreign navies.

Referring to some of the criticisms recently appearing in print, it may be stated in general terms that in our Navy sighting hoods were put on turrets because no other practicable way of pointing the guns effectively existed. No criticism, however, seems to have been made by the critics of the fact that all other navies with turreted ships follow the same system and for the same reason as ourselves.

The test of battle only will decide a suitable type of conning tower. As experience is gained the towers of our ships are modified, so far as possible, to meet the conditions required, and towers for ships building are designed in accordance with the latest reliable data. Changes of form, etc., have not been adopted simply because some foreign designers have evolved a novelty, but because it was not apparent that they were sufficiently superior to our own to justify such change until it had been demonstrated by actual test that they possessed merit. But we have never hesitated to adopt an idea that promised increased efficiency.

It is not advisable to adopt as fulfilling service requirements ideas evolved solely from the results of target practice, as such may be in many respects misleading. Ships fight in the open, rolling sea, at fast and varying speeds, constantly changing ranges, with always some pitching or rolling motion, and requiring for efficient sighting a large field of view for the gun pointer, much of whose light is shut off by reason of his protected position behind armor, and who fires at a target the speed and direction of which may be also constantly changing; whereas at target practice it is the invariable custom to choose a smooth sea, ideal weather conditions, the firing ship moves at a fixed speed, and fires at a stationary target generally at a known range; only one ship fires at a time, and be it remembered, with no shots striking or coming toward the firing ship to disconcert or excite the men pointing the guns. Battle conditions (that is, conditions under which we are likely to fight) should be the criterion and not the ideal conditions selected for target practice.

It is noted that in one of the criticisms recently made in a printed article the author refers, in condemning the heights of our broadside batteries, to the disadvantage these guns would work under in an engagement where the enemy is to windward, and states that the leeward position is to be sought inasmuch as the ship so situated is clear of her own smoke. The "weather gauge" was a primary advantage in the days of sailing ships, and its advantage over the lee is greater to-day than this critic seems to think. It is doubtful if any captain would select the leeward position, and particularly so if there was any sea running, as most probably would be the case. Modern gunpowder gives out little or no smoke, and therefore the great advantage claimed by the critic above referred to fails; but, instead, the leeward ship has the greater and more important disadvantage of the smoke from his antagonist's funnels and of flying spray and moisture obscuring the glass of the telescope, which will seriously interfere with the aiming and firing of the guns. The question of the direction of the sun is also one of much importance, and if it is a case of choice of windward position with the sun at his back or leeward position with the sun in his face, there is little doubt but that the critic above referred to would change his views. Practical experience is the best of all teachers, and it requires this as well as study to discuss professional matters; otherwise in advocating a small and perhaps unimportant advantage sight may be lost of the several more weighty and overmatching disadvantages.

The question of the selection of an efficient or satisfactory range finder is one that we have been struggling with for years, and the fact of its not having been developed is due not to any lack of human effort or ingenuity. Other nations have experienced the same difficulty. Our ships are now supplied with the best range finder thus far known. The main difficulty lies in the physical impracticability, at the present stage of human knowledge, of being able to measure trigonometrically a distance of several miles from the necessary short base line possible to be had on board the measuring ship. Many of the greatest minds of the world have been engaged on this problem for years, but unfortunately with no great success up to the present day.

To the claim that we have no means of handling a fleet in a fog, it may be said that at the present stage of human knowledge it will always be a difficult problem to properly handle a fleet in a fog, and in this respect our Navy does not differ from others. We are possibly neither behind nor ahead of other nations in this respect. When nature permits us to see through a fog or science develops a means of penetrating its cloud we can hope to overcome this difficulty, but until then we will, like all other human beings, be compelled to struggle with the problem.

The international regulations for preventing collisions at sea which have been enacted by Congress into law require that the steam whistle or siren shall be so placed that its sound will not be intercepted by any obstruction, and consequently our steam whistles and

[a] Not printed in RECORD.

sirens, in compliance with this law, are placed forward of the smoke pipes. While it might be undoubtedly more convenient and less trying upon the hearing of the officer of the deck if the whistle were placed abaft the smokestack, yet so long as the law remains as at present we can not place the whistle where its sound will be obstructed.

In a recently published magazine article severe criticisms were made regarding accidents (the dates of which were specifically stated) which have happened in the turrets of three of our battle ships, and it was claimed that notwithstanding these accidents—prior unfortunate experiences, and of the recommendations and reports of various officers thereon—nothing was done to remedy the defects complained of. It is inconceivable that a person would jeopardize his reputation for veracity by making such specific statements upon matters of the character referred to without verifying his data or satisfying himself as to the reliability and trustworthiness of the source from which his information was obtained.

The official records of the Department amply and clearly disprove the statements made as to nothing having been done to remedy the defects alleged to exist in our direct-loading ammunition hoists, as prior to the unfortunate accident on board the *Missouri* in April, 1904, both the Bureaus of Ordnance and Construction and Repair had endeavored to obtain a satisfactory form of shutter doors designed to close the opening in the turret floors after the passage of the ammunition cars to the guns. A design developed at the Washington Navy-Yard in March and April of 1904 was authorized to be constructed with a view to its application to the turrets of the *Virginia* class of battle ships then under construction, as well as to all other vessels as far as practicable. Before, however, this shutter, which was attached to the ammunition hoist rails, was completed, a satisfactory shutter attached to the turret itself was perfected and has since been applied in all turrets.

As early as January, 1904, the Bureau of Ordnance took up the matter of the design of a two-stage ammunition hoist with a company well known as manufacturers of ordnance and ordnance material, in connection with a model subsequently exhibited by them at the World's Fair, St. Louis. Every effort was made to put an ammunition hoist of this type in the U. S. S. *New Hampshire*, and contracts were actually made in August, 1905. It was found, however, that the design was too heavy, involving a total increase in structural weight of the turrets of more than 150 tons, and that it could not be installed without greatly exceeding the weights allowed for ordnance outfit.

Modifications of this type of hoist were subsequently made by which its weight was greatly reduced, and the adoption of this hoist, or a hoist of similar nature, was determined upon by the board of construction prior to the accident on the *Georgia*. The report of the special turret board simply confirmed the action of the Board of Construction, but was not received until months after the type of turret above referred to had been decided upon, and did not therefore cause the adoption of the turret as has been claimed by the incorrectly informed persons alluded to.

It is needless to add that all criticisms made from time to time concerning any detail of our ships which have reached the Board of Construction have received its careful attention and consideration. Whether the criticism was important and well based or whether it was, as the majority have proved to be, lacking in merit, no difference was made in taking them up, for all have been carefully weighed. When the conditions and circumstances seemed to merit action by the board such has been invariably taken.

To criticise is human nature, and men interested in a subject or its development are generally much given to making suggestions or criticisms regarding changes which, in their opinions, would be improvements. Particularly is this the case where little or no responsibility lies with the critic, and perhaps more so even when one has a professional interest in the subject under consideration. To the person, however, charged with the responsibility of the adoption of the changes suggested by the critics, and particularly so where such changes may seriously affect the public welfare and involve the expenditure of large sums of Government money, it is only natural that he, having this great responsibility, should require that the advantages claimed for the alterations be satisfactorily proved before the time, labor, and money necessary to carry out the suggested ideas are expended This very proper requirement is in many cases resented by critics, some of whom are prone to publish their grievances because of the not immediate acceptance of their ideas, and to claim that inventions and improvements are not adopted as they should be—that those in authority are too conservative, and to make various other allegations.

If such critics were to investigate they might find that in many cases their own ideas were not entirely original; that perhaps others had been working along the same or similar lines and had perhaps evolved a more completed project, or even, perhaps, that experiment had proved their schemes not suitable for naval purposes. It is this question of investigating and demonstrating the usefulness of an invention, suggested change, or alteration before adoption and before authorizing the expenditure of large sums of public money which protects the Government, but at the same time affords the critic, who has no responsibility toward the country, the opportunity so many avail themselves of—to criticise unfavorably and perhaps unjustly the person upon whom the direct responsibility for the protection of the interests of the Government really lies, and who, in so far as the Navy is concerned and about whom I feel qualified to speak, are faithful to their trust.

In concluding this report, which has been made after a thorough consideration of the defects known, as well as claimed, to exist in the battle ships of our Navy, and using the most reliable and authentic data obtainable, the following facts may be regarded as established:

Battle drills.—In recent years our Navy has paid much attention to war drills and exercises, and the tendency has been to continue to increase and widen our experience in this respect. These drills have been, however, necessarily carried out with the limited number of ships available, which, unfortunately, did not make a homogeneous fleet; but now, with sixteen practically similar battle ships in commission, we hope to gain great advantages from the continuation of the battle-fleet drills begun with those ships last year as soon as the fleet could be withdrawn from the Jamestown Exposition.

Freeboard of our ships.—Examination of the plans and other reliable data concerning our own and foreign ships of the same date of design shows clearly that in the matter of freeboard we compare, with the exception of the *Indiana* and *Kentucky* classes, the first-built battle ships of the Navy, most favorably. With reference to the British and Japanese battle ships, which have given good results under service conditions, our vessels have, in the main, more freeboard, and in the instances where they exceed us, it is only by such few inches as may be, for any practical advantages, ignored.

Height of gun positions.—Here again, excepting the *Indiana* and *Kentucky* classes, our ships carry their forward turret guns generally as high or even higher above water than similar ships of the British and Japanese navies, and in the heights above water of guns firing on the broadside we are noticeably in the lead. Everything considered, our gun heights are amply sufficient to meet the necessities of battle, second to those of no other nation in effectiveness, and can be used efficiently in any sea fighting in which naval actions are at all likely to take place.

Armor.—A comparison of the height of armor belts of our ships with those of foreign ships of same date and design shows that, in general, our armor belt is somewhat higher above water, and, furthermore, that the armor of our ships is usually thicker and fully as well distributed, both above as well as below the water line. In the matter of the main armor belt, about which much criticism has appeared, when our ships are brought into actual combat we have nothing to fear from any alleged superiority of foreign vessels of the same date of design.

Turret designs. The turret designs of our ships are in the main very similar to those of the French and to the great majority of ships of the British and Japanese navies. The general arrangement of the magazine about a handling room into which the ammunition hoist leads, is also similar in all navies. The dangers which we, and others, have principally to contend with are those of liability to flare back at the breech of the gun and the accidental ignition of grains of powder. The remedy is twofold: By preventing the escape of all gas from the breech of the gun into the turret; and, second, by the interposition of partitions or screens fitted with doors and flaps along the route of the powder charges from the handling rooms to the gun, by which means the flame from the burning grains would be prevented from coming in contact with the powder in transit. Devices to accomplish both of these results have been installed in our ships. The advantages of the two-stage ammunition hoist in the matter of safety are not manifest, nor have they been fully established over the straight-lead hoist which we have heretofore used in our service. We are in our latest-designed ships installing the two-stage hoist, primarily because it affords a more rapid supply of ammunition to the guns, but its adoption as our future standard has not yet been decided upon.

Supply of ammunition.—It may be stated with certainty that no navy has as yet ammunition hoists capable of supplying ammunition to the guns at the rate called for by our modern target-practice conditions; nor will the guns, in all probability, in action require ammunition at those rates. Our hoists are not inferior to those of foreign ships, and with the changes to be made or already made in them will meet all the necessities of our ships.

In and out turning screws.—We built some vessels with in-turning screws because of their supposed advantages and because also foreign navies with larger experience were doing the same. We ceased building such vessels when we had satisfied ourselves that the advantages were supposed rather than real.

The Kearsarge and Kentucky.—The exposed openings of the gun ports of these vessels are recognized as being larger than desirable. The two ships, however, are efficient and serviceable vessels and are in no sense of the word the failures some persons have alleged. The enlarged port area was a necessity due to improvement in the efficiency of the gun mounts and was but a small factor of disadvantage when compared with the several advantages which made the guns of those two ships superior as weapons of war to any which we had theretofore constructed. These two ships were, however, designed more than twelve years ago and do not, of course, embody all the improvements of up-to-date ships, and on this account it is the intention to give them a general overhauling as soon as the funds are available.

Torpedoes.—At the present time our supply of torpedoes is less than it should be. This fault, however, is due to the inability of our manufacturers to build them and not to any lack of effort upon the part of the Navy to procure a sufficiency. It is hoped in the near future this present difficulty may be overcome. The output of torpedoes will be materially increased by the torpedo factory now building at the naval station, Newport, R. I., and which will soon be in full operation.

Gun sights and range finders.—In these respects our ships are in no manner second to those of other navies.

Finally.—Our ships are not inferior to those in foreign services. We have made compromises in our designs of battle ships, because it is impossible to construct a perfect battle ship; such compromises have, perhaps, detracted from the desired perfect ship in some respect, but at the same time have made it possible to improve upon some other existing disadvantages, and, on the whole, the compromises, each and all, have tended toward a nearer approach to the desired perfect finality. Other nations have labored and will, like ourselves, continue to labor under this same difficulty in endeavoring to approach as near as possible to that impossibility—a perfect battle ship. In making compromises in the building of our ships, I am satisfied that in every instance all concerned in the work have acted honestly and patriotically and only with the desire to produce the best ship possible. The result has been in each case, ship by ship and year by year, an improvement upon all that have preceded, and no ship has been built by us inferior to those of any nation designed at the same time.

The quality of the matériel of our Navy is inferior to none; in quantity of vessels alone are we lacking. With an increase in number of ships, the American Navy will have been supplied the only feature necessary to make it second to none in all that tends toward fighting efficiency, and when the stress of actual combat, if such should ever unfortunately come, brings the only really practical test our country need have no misgivings or fear but that our battle ships will give an excellent account of themselves and prove themselves all that we have designed them for and know them to be.

Very respectfully,

G. A. CONVERSE,
Rear Admiral, United States Navy (Retired).

The SECRETARY OF THE NAVY.

Mr. HALE. I also present a report concerning certain alleged defects in naval vessels of the United States, prepared by Rear-Admiral Washington Lee Capps, Chief Constructor of the United States Navy and Chief of the Bureau of Construction and Repair. I ask that this also may be inserted in the RECORD, printed as a Senate document, and referred to the Committee on Naval Affairs.

The VICE-PRESIDENT. Is there objection to the request of the Senator from Maine? The Chair hears none, and it is so ordered.

The report referred to is as follows:

Report concerning certain alleged defects in vessels of the United States Navy, by Washington Lee Capps, Chief Constructor United States Navy and Chief of Bureau of Construction and Repair.

NAVY DEPARTMENT,
BUREAU OF CONSTRUCTION AND REPAIR,
Washington, D. C., February 14, 1908.

SIR: In conformity with the Department's instructions to prepare data with respect to height of freeboard, gun height, water-line armor distribution, and other features of the design of typical battle ships of the United States and the most important foreign navies, so far as such data might be available, with a view to definitely and conclusively refuting the many misstatements which have recently appeared in the public press, and especially the misstatements contained in a recent magazine article, I beg to submit the following report:

The preparation of data with respect to vessels of the United States Navy is, of course, not difficult, although its presentation in a form which would readily meet the needs of the Department required much time and labor. The preparation of reasonably accurate data of a similar character with respect to foreign battle ships involved much greater difficulty; but the chief constructor has fully availed himself of the resources of the Department in obtaining such data and has had examined all the most important special reports on such subjects, including reports of naval officers who have recently made tours of inspection in foreign countries, reports on file in the office of naval intelligence based upon the reports of naval attachés, official parliamentary and other documents which give statistics of foreign naval vessels, and the principal British and French professional publications which deal with naval matters; he has also utilized the personal knowledge and professional notes of various members of the corps of naval constructors who have been educated at the Royal Naval College, Greenwich, England; the École d'Application du Genie Maritime, Paris, France, and the University of Glasgow, Glasgow, Scotland, these officers having kept more or less in direct touch with professional developments in those countries. Although it can not be claimed that the data with respect to foreign battle ships is *wholly* accurate, it can be stated with entire assurance that it is the most accurate obtainable without having access to actual official drawings and specifications.

It is noteworthy, however, that in the case of several foreign ships unusually reliable official data was available; also that in the case of those battle ships of the Japanese fleet which took part in the battle of the Sea of Japan there was at hand accurate data, which had previously been printed in English scientific publications, as well as very complete descriptions, with detailed data, prepared by the director of naval construction of the Japanese navy and published in the proceedings of a scientific society of Japan, and subsequently translated and republished in one of the most important English engineering publications. It is therefore evident that comparison between American battle ships and such Japanese battle ships as existed at the time of the Russo-Japanese war can be made accurately, and that comparison with certain other foreign battle ships can also be made with an unusual degree of accuracy.

In order that the Department might have complete information in a convenient form the following tabular statements and plans have been prepared and are made a part of this report:

I. Tabular statement giving principal characteristics of typical foreign battle ships.

II. Comparative table of gun heights, etc., of typical modern battle ships.

III. Tabular statement of heights of upper edge of main water-line belt armor above trial or designed load water line for typical foreign and United States battle ships.

IV. Length, width, and thickness of water-line armor and upper side belt armor for United States battle ships.

V. Tabular statement of principal characteristics of Russian and Japanese ships which took part in the battle of the Straits of Tsushima, otherwise called "battle of Sea of Japan."

VI. Tabular statement of heights of turret and broadside gun axes above designed load water line for United States battle ships and armored cruisers.

VII. Cross sections of typical battle ships of the United States and foreign navies, showing breadth and thickness of main water-line belt; also depth of submersion of lower edge of main-armor belt below the designed water line; also height of top of main-armor belt above designed load water line; also designed load displacement and coal carried on designed load displacement; also height of freeboard and height of broadside gun axes.

VIII. Profiles and cross sections of typical battle ships of the United States Navy, giving distribution of armor, heights of gun axes, etc. (Sheets 1 to 14.)

IX. Profiles and cross sections of typical foreign battle ships, giving distribution of armor, heights of gun axes, etc. (Sheets 1 to 15.)

X. Booklet of profiles of United States battle ships, showing development of side-armor protection.

Among the various foreign publications, special reports, etc., consulted were the following:

Parliamentary papers and other published official documents relating to foreign ships.
Special reports.
Photographs of foreign ships.
Transactions of the Institution of Naval Architects.
Bulletin de L'Association Technique Maritime.
Other foreign technical society publications.
Engineer (London).
Engineering (London).
Naval and Military Record (London).
Nautical Gazette.
Armee at Marine.
Le Yacht.
Brassey's Naval Annual.
Naval Pocket Book (Clowes).
Jane's All the World's Fighting Ships.
Les Flottes de Combat.

After reading some of the sensational comments which have recently been made concerning certain features of battle-ship design, one would be justified in believing that such features were novelties whose consideration had not heretofore been thought of, or else that the questions involved were so complex as to have confused and misled the responsible designers of the United States Navy as well as those of the principal foreign navies.

It would also appear that ill-informed representatives of a would-be new school of design deemed it necessary to invite special attention to professional subjects, which, as a matter of fact, had already received most serious consideration by officers of thorough professional training and experience as subordinate officers and commanders of naval vessels or fleets. That the large majority of the alleged defects in our naval vessels do not exist in fact will be conclusively shown in the following pages; but before entering upon any argument which involves the use of the data contained in the previously enumerated plans and tabular statements, and before entering upon any categorical refutation of the many misstatements of fact contained in the magazine article already alluded to, it is deemed necessary to define with accuracy the conventional phrases used by naval designers in distinguishing between "light displacement," "load displacement," and "deep-load displacement," for it is doubtless the *confusion* of these terms by the non-expert that has been responsible for so much of the silly and misleading criticism which has had such vogue in the secular and semitechnical press and, I regret deeply to add, among some of the less well-informed officers of the United States Navy.

"*Light displacement*" in all navies is a term which describes the condition of the ship when complete in all respects—with armor, armament, machinery, equipment, etc., on board, but *without* coal, water, ammunition, or stores of any kind, or personnel.

"*Designed load displacement*" in the United States Navy, as well as in foreign navies, corresponds to our more familiar designation of "trial" or "normal" displacement and indicates the condition of the vessel when it is complete in all respects, as in the "light" condition, and, in addition, has on board the personnel and all outfit, a certain proportion of ammunition and all consumable stores, and an arbitrarily determined quantity of coal in the bunkers, also water in boilers at steaming level, and, in the case of battle ships, about 100 tons of fresh water in tanks and double bottoms. In the United States Navy this condition provides for *two-thirds of all ammunition* and *consumable stores* being on board, and since the design of the *Kearsarge* class (more than twelve years ago) the quantity of coal in the bunkers, on the designed load displacement, has been from 800 to 1,000 tons, except in the case of the 17-knot battle ships *Idaho* and *Mississippi*. An examination of the quantity of coal in the bunkers of typical foreign ships under similar conditions indicates that there were from *700* to *950 tons* of *coal* in the bunkers *on the designed load displacement*. In this connection it is interesting to note that the "designed load displacement of the *Dreadnought* provided for only 900 tons of coal in the bunkers, although the bunker capacity was 2,700 tons. The published accounts indicate that the actual load draft of that vessel was considerably more than 1 foot greater, with the 900 tons of coal on board, than was provided for in the design.

"*Deep load displacement*" in our own and foreign navies is a term which indicates the displacement of the vessel fully completed, ready for sea, with *all* stores, ammunition, coal, etc., on board, and is a condition which, of course, only obtains when the vessel has been freshly provisioned, coaled, etc. It also includes not only the full supply of potable water, but a substantial amount of reserve fresh water for the boilers, etc. It is obvious, therefore, that there are many weights on board at such a time which could be quickly disposed of and the ship lightened to that extent should the necessity therefor arise, even though the enemy should be met with shortly after leaving port.

Inasmuch as some arbitrary plane of reference is absolutely essential in determining such important features as water-line protection, height of freeboard, etc., the *water line* at *designed load displacement* is the arbitrary plane of reference naturally selected. It would be obviously improper to consider such important features as "freeboard," "water-line armor protection," etc., as being governed by the draft of the vessel at "*light*" displacement. It would be almost equally improper to consider that such qualities should be governed by the draft of the vessel at "*deep-load*" displacement. By common consent, therefore, all designers in all countries of which the chief constructor has knowledge base such essential requirements of the vessel as the "freeboard," "water-line armor distribution," etc., upon the draft at the *designed load displacement*, this displacement being one which may reasonably be regarded as representing the minimum displacement at which battle ships will *begin* an engagement. The distribution of water-line armor, freeboard, height of gun axes, etc., are, however, such that even should a vessel be compelled to engage in battle shortly after being provisioned and coaled, the protection of the vital portions of the vessel and the ability to fight the guns under all ordinary conditions of weather would be as thoroughly assured as possible for the particular type of design in question.

The consideration of freeboard, gun height, water-line armor distribution, etc., is now and always has been a matter of the gravest concern to naval designers and naval officers who are, in any responsible way, connected with naval design. The transactions of scientific societies and reports of boards of officers of the United States Navy and foreign navies afford ample evidence of the truth of the foregoing statement, and definite reference will be made to some of the more important of these documents later on in this report.

It is unquestionably true, and a fact never disputed so far as I am aware, that in many instances, in all navies, battle ships, as completed, have a somewhat greater draft of water than that provided for in the original design, this excess draft being mainly due, not to errors of calculation or design, but largely to extra weights involved in "changes" and other weights added subsequent to the approval of the design, and for which the designers were not responsible. The changes are, in the large majority of cases, desirable, inasmuch as they increase the military efficiency of the vessel, and, as a rule, are the result of unusual developments in ordnance or other naval matériel subsequent to the completion of the design of the vessel. Such changes are, however, only justifiable when they make a definite addition to the *military* value of the vessel, and those charged with the actual responsibility of completing the vessel as nearly as possible in accordance with the original design have very *great difficulty* in *limiting* such *changes* to those which will give a *definite increase* to the *military efficiency* of the *vessel* when *completed*. That the excess draft, for which the designer is in no sense primarily responsible, and which he often has great difficulty in controlling within reasonable limits, does not often gravely affect the freeboard of the vessel or effective distribution of the water-line armor, may be readily understood when it is stated that the excess draft, in the case of battle ships forming the present Atlantic battle-ship fleet, amounts to as much as 11 inches in the case of *one ship only*, and in the majority of the vessels of the fleet averages 7½ inches and under. To dwell longer upon this phase of the question would seem needless.

While definite knowledge of the meaning of the various terms used for indicating the *displacement* of battle ships would appear to leave no possible ground for error in comparing the qualities of different battle ships of different navies, the confusion of such terms is apparently responsible for the perpetration of many of the extraordinary

blunders which have been made by self-satisfied critics in their criticism of vessels of the United States Navy. In fact, so far as may be judged from the statements of such ill-informed writers, it appears that the draft, displacement, free board, etc., of foreign vessels at *designed load displacement* have been compared with similar characteristics of United States vessels at *deep-load displacement. As the variation* between the *"designed load"* and *"deep load"* displacement of the larger battle ships designed in the last seven or eight years is *more than 2 feet*, the unfairness and grave error involved in any such comparison should be quite obvious to anyone who has once been advised as to the real facts. There appear to be those, however (and I am compelled to believe that some of them are officers of the naval service, who ought to know better), who either will not or can not appreciate the absolute unfairness—to use no harsher expression—of comparing vessels of different countries under dissimilar conditions of displacement. Moreover, in the consideration of all such questions as freeboard, height of gun axes, distribution of water-line armor, etc., it should be borne clearly in mind that, broadly speaking, there are two distinct and radically different "schools of naval design," each of which has had from time to time a substantial following among naval officers and naval designers. What may be termed the American and British school of designers has held to a moderate freeboard and moderate height of main-gun axes, thus obtaining a very substantial increase of defensive and offensive powers by reason of the saving of weight resulting therefrom. The Japanese have closely followed the American and British school or design. As a matter of fact, the Japanese battle ships which took part in the battle of the Sea of Japan were built in England, and *very closely* followed the British school of design. On the other hand, the French school has heretofore inclined, with few exceptions, to high freeboard, great height of gun axes, and a very considerable water-line armor protection, but has been compelled to accept serious sacrifices consequent thereupon.

A complete exposition of the characteristics and merits of the two schools of design would be entirely too involved to present in a report of this kind; but, in brief, it may be stated that the forward freeboard and height of main battery in French ships is, in general, one deck height greater than the freeboard and height of forward main battery on vessels of the British, American, and Japanese ships. Such an excessive freeboard and elevation of the forward main battery involves serious disadvantages, among them being greatly increased target area; serious diminution in the armor protection of the hull structure supporting the main battery emplacements; serious decrease of stability of the vessel under damaged conditions.

Of course the designed height of freeboard forward on any given type of battle ship is necessarily dependent upon the prospective maximum speed, the location of the heavy weights with respect to the extremities, and the length of the vessel; so that a freeboard which would be quite sufficient at moderate speed for a full-lined vessel of 400 or 450 feet in length, with a normal distribution of weights, would be by no means sufficient at high speed for a much longer vessel with fine water lines and, comparatively speaking, a concentration of heavy weights nearer the extremities of the vessel. Concerning this, however, more will appear later on when disposing in detail of certain recent very inaccurate allegations concerning naval vessels.

In considering the general questions of height of freeboard, height of main gun axes, etc., for battle ships of dimensions, displacement, and speed corresponding in a general way to those of battle ships of the United States Atlantic fleet, also the best location of the water-line belt and other armor for same, and the very inaccurate and misleading statements which have appeared in relation thereto, the Chief Constructor begs to invite special attention to a most notable discussion which took place in London about nineteen years ago with respect to these very matters. The writer of this report, who was then on special duty in London, had the good fortune to attend all of the meetings at which this public discussion took place and to this day can vividly recall the impressions made upon him by the various speakers. The majority of the gentlemen who participated in this discussion were seagoing officers of the British navy and were thoroughly representative of the very best elements in that navy. They were men whose names were household words in Great Britain, and a perusal of some of the comments made by these officers will fully convince any impartial judge that all the seagoing and military qualities of the *Royal Sovereign* class were given the most serious and careful consideration by the most experienced seagoing officers of the British navy at that time.

In referring at length to the designs and the discussion upon the designs of the *Royal Sovereign*, it seems hardly necessary to dwell upon the fact that in Great Britain, for many years, everything connected with the development of the navy has been considered of the most vital importance, in view of the popular conviction that the navy is the right arm of the national defense and, in time of war, would really be responsible for the life of the nation. British naval designs and the opinions of officers of the British navy in relation thereto are therefore entitled to the most serious consideration in determining what is the most desirable type of battle ship; and while British designers and British naval officers are quite as liable to error as those of other countries, the vitally essential character and the size of the British navy are such as to entitle it to marked consideration in comparing the relative merits of battle ships of foreign navies.

The meeting and discussion above referred to took place in London in April, 1889, at a time when British naval matériel and the action of the British Admiralty in relation thereto were being severely criticised. Designs of battle ships prepared and presented for general criticism under such conditions would naturally receive unusual consideration. Moreover, in order that the situation with respect to responsibility for battle-ship designs may be fully appreciated, it may be stated that the board of admiralty had complete and undisputed responsibility in such matters and two-thirds of its membership was composed of specially selected naval officers, the naval membership at that time being as follows:

Admiral Sir Arthur William Acland Hood.
Admiral Sir Richard Vesey Hamilton.
Rear-Admiral John Ommanney Hopkins.
Rear-Admiral Charles Frederick Hotham.

This unusually strong and representative board of admiralty, desiring to develop a design of battle ship which would fully embody the ideas of the seagoing element and effectively dispose of such adverse criticism as had previously been made concerning battle-ship design, instructed the director of naval construction, Mr. (now Sir) William H. White, to prepare tentative designs which would represent certain special characteristics which were then in favor among different groups of naval officers. These sketch designs, when completed, were thoroughly discussed by the board of admiralty, which also invited comments from distinguished officers of the British navy who had recently returned to shore duty after a period of command afloat. After mature deliberation two designs were selected, one of them being what was then described as a "high-freeboard" barbette vessel and the other a "low-freeboard" turret vessel. The high-freeboard barbette vessel was the *Royal Sovereign*, and it was this type which received the unqualified commendation of the board of admiralty and its additional advisers of the naval service.

In view of the extensive criticism which had previously been made, the director of naval construction sought and obtained permission from the Admiralty to prepare a complete description, with outline plans, of the high-freeboard barbette battle ships and the comparatively low freeboard turret battle ships, for publication in the proceedings of the Institution of Naval Architects and for discussion at the subsequent meeting of that society. This paper of Sir William White's also contained tabular data and outline plans of certain battle ships previously designed for the British Admiralty, also comparison with some of the latest foreign designs. Especial attention was invited to the fact that the forward freeboard of the barbette battle ship of the *Royal Sovereign* class was very considerably higher than that of the *Nile* and *Trafalgar* and *Camperdown* classes, which were the immediate predecessors of the *Royal Sovereign* type in the British navy.

As previously noted, this paper of Sir William White's was discussed at the spring meeting of the Institution of Naval Architects in 1889, and the discussion was participated in by the most prominent British naval officers then in London, as well as by prominent naval architects, among them being two former directors of naval construction, Sir Nathaniel Barnaby and Sir Edward Reed. Among those, other than naval architects, who took part in the discussion, and extracts from whose remarks will hereafter be given, were Lord Armstrong, founder of the celebrated gun factory and shipyard near Newcastle on Tyne, and the following distinguished naval officers: Admiral Sir Houston Stewart, who, during a period of ten years, was controller of the British navy, an office which had under its jurisdiction the entire British naval material; Admiral-of-the-Fleet Sir Geoffrey Phipps Hornby, who was at that time principal naval aid-de-camp to the Sovereign and an officer of the greatest distinction, who had held some of the most important commands in the British service, both afloat and ashore; Admiral (at that time captain) Sir G. H. U Noel, an officer who has long been recognized as an authority in all matters pertaining to the development of the fleet and who has only recently returned from command of the British Asiatic fleet; Admiral (then captain) Right Hon. Lord Charles Beresford, who is at present in command of one of the most powerful fleets of battle ships in the world, and whose reputation is too well known to require further comment; also Admiral Lord Clanwilliam, Admiral P. H. Colomb, Captain (afterwards admiral) Long, and other officers of distinction. As previously noted, the Board of Admiralty, which originally passed upon the various general designs prepared by Sir William White, and selected that which was subsequently adopted for the *Royal Sovereign* class, included Admiral Sir Arthur William Acland Hood, Admiral Sir Richard Vesey Hamilton, Rear-Admiral John Ommanney Hopkins, and Rear-Admiral Charles Frederick Hotham, officers of highest professional standing and distinction, and thoroughly identified with the most experienced and best-informed element in the British navy.

Moreover, there were on duty at the Admiralty at this time and associated with the naval lords above mentioned many officers who, in the higher grades to which they have since been promoted, have acquitted themselves with distinction. Among them may be mentioned Capt. John A. Fisher, at that time director of naval ordnance and torpedoes, and at present admiral of the fleet and first sea lord of the British Admiralty; Rear-Admiral Sir George Tryon, at that time admiral superintendent of naval reserves and generally regarded as one of the most capable officers in the British navy; Capt. Edward Hobart Seymour, at that time assistant to the admiral superintendent of naval reserves, at present admiral of the fleet, and recently in command of the China station; Capt. Cyprian A. G. Bridge, at that time director of naval intelligence, subsequently admiral in command of the China station; Capt. Reginald Neville Custance, at that time assistant director of naval intelligence, now vice-admiral in command of one of the most important divisions of the English fleet, and Capt. S. M. Eardley Wilmot, at that time assistant director of naval intelligence and a writer of distinction upon professional subjects.

The enumeration of the names and the duties performed by the above-noted officers indicates clearly the professional standing of the seagoing element of the British navy, which considered the designs of the *Royal Sovereign*, so that in all the questions which were raised and discussed in connection with the general designs of that vessel—the *height* of *freeboard*, the *height* of *gun axes*, and the *distribution* of *water-line armor*—conspicuous representatives of those who were ultimately to command vessels and fleets in the British service, had ample opportunity to submit their opinions. It will also appear, in the subsequent comments made by various officers who discussed these designs, that the designs as approved were entirely satisfactory to the seagoing element of the British navy and were many times alluded to as being *entirely representative* of the *views* of *seagoing officers*.

The comments of those who took part in the discussion of the *Royal Sovereign* design are very explicit, and so aptly and completely express the views of the seagoing branch with respect to that particular design that I will submit for your information, without further comment, extracts from the discussion itself, preceding these extracts by a few paragraphs from Sir William White's paper, and inviting special attention to the fact that the British Institution of Naval Architects is the largest and most important body of professional naval architects in the world, and has also in its membership a very large number of British naval officers, as well as officers of foreign navies:

[Extracts from a paper entitled "On the designs for the new battle ships," prepared by W. H. White, esq., F. R. S., assistant controller of the navy and director of naval construction, read at the thirtieth session of the Institution of Naval Architects, April 10, 1889.]

[Italics not those of author or speakers.]

Recognizing the great interest which is now being taken in the designs of the eight first-class battle ships which are proposed to be added to the navy, and feeling convinced that no equally suitable opportunity could be obtained for replying to criticisms of the designs which have appeared in the public press, I applied for and obtained permission from the first lord of the Admiralty to prepare this paper. * * *

Apart from the fact that I am the head of that staff, and apart from any question of my personal competence, I desire to state that there never has been a time during my experience with the Admiralty Office—an experience extending over twenty-two years—when the members of that staff included so many thoroughly educated, capable, and qualified naval architects and marine engineers as are now serving there. * * *

If, with such a staff, with all our recorded data and experience, with our grand experimental establishment at Haslar, so ably conducted by my friend Mr. Froude, and with all the valuable assistance and suggestions coming to us from the naval service, and our professional colleagues in the dock yards, as well as the constant benefits we derive from a full knowledge of the work done by private shipbuilders and foreign competitors, we do not, in the "Whitehall office," succeed in producing "the best possible ships" consistent with the instructions of the Board of Admiralty, then there can be no excuse. But I contend that the allegations made against the professional officers of the Admiralty have been loosely made, and are proved to be unfounded, as regards the designs of the new battle ships, by the facts which have been adduced.

On this question I shall not be expected to give an opinion. It involves an inquiry into the competency of the Board of Admiralty and our system of naval administration. But, at the risk of repeating statements already made, I must say that there never have been designs more deliberately and carefully considered. The selection was made from amongst a large number of alternative designs, after a careful review of what is being done abroad, and with reference to various proposals not yet embodied in actual ships. Fortunately, it could be based upon a great mass of new experimental data, obtained by actual trials against the *Resistance* and elsewhere, and giving the latest and best information in relation to guns, projectiles, explosives, and armor. Moreover, the Board of Admiralty has availed itself of the advice and assistance of a number of distinguished officers before coming to a decision.

Obviously there is room for differences of opinion, since actual experience in naval warfare under modern conditions is almost entirely wanting. The matter, therefore, resolves itself into one of *relative authority and experimental information*. Under these circumstances, the *naval service* and the *country* will probably *prefer* to *accept* the *conclusions* of a *responsible* and *well-informed body* like the *Board* of *Admiralty, rather than those of any individual.*

Discussion on Sir William White's paper "On the designs for the new battle ships:"

Lord ARMSTRONG. With regard to the question of armor, it certainly appears to me, from all that we have heard both from Mr. White and from Sir Edward Reed, and from all that we can gather from these numerous diagrams, that we may come to this conclusion, that if we render a ship absolutely safe from being sunk by modern artillery we shall simply eliminate its power of sinking anything else. It is clear to me we must have a compromise between defensive power and offensive power, and as far as I can judge from a hasty inspection of these diagrams, and from listening to all that has been said upon the subject, it does appear to me that the compromise which is presented by these latest designs, especially by the battle ship of barbette stamp, that we have in that ship the best compromise between defensive power and offensive power that has yet been submitted to the public.

Capt. Lord CHARLES BERESFORD. I think that Lord Armstrong hit the right nail on the head in this great controversy, as to what is the best platform that you can build to send your men and guns to sea to fight an action with. The controversy is between the armor and the armament; and Lord Armstrong, in my humble opinion, hit the right nail on the head when he said, "If you build a ship with the capabilities which Sir Edward Reed demands, and justly demands, from his point of view you would have nothing offensive to hit your enemy with. That is the real point as I look at it. A ship is always a compromise." * * *

I say distinctly as a seaman, and I hope one of my brother officers will get up and contradict me if he does not agree with me, that what we want in a ship is the offensive part. We are very glad to have as much defensive as we can, but we do not want to sacrifice in any particular whatever the offensive power which we possess of knocking the enemy into a cocked hat. * * *

I *do not believe they could have made a better ship than these new ones*, although Sir Edward Reed does not agree with it. I hope he will produce his ship. I think he will be the first to agree with me that in a fair argument theory is of no use to any man and theoretical argument should be practically demonstrated. Mr. White and the Board of Admiralty have produced their ships, and I dare say I could find fault with those ships; but, taking the compromise, I think they are the best class of battle ship you can make for the present day, having regard to the new high explosives. * * * On our navy depends our existence, and we must not run the chance, with our want of knowledge of actual warefare, of foreign nations getting something other than we have got which might win them the action if we came to hostility. * * * Those new ships now have, in my humble opinion, for the first time been proposed to be built in a businesslike way, and in the way in which any mercantile firm would build their own ships or a man-of-war, if they had to build one. They have got the seamen together—by the seamen I mean the engineers and the artillerymen and the men who have got to fight the ships—and they have stated what they wanted to have, both in regard to capability of offense and defense, draft, and speed. * * * You must have a ruling power; somebody has got to lay down your ships, and this somebody, whoever he has been, has been put to do it in a businesslike way for the first time, and therefore I should take the opinion of my brother officers against my own, who have been asked first of all, "What do you want to fight with?" * * *

It was put very well the other day by Mr. White in his paper. We keep on arguing as to what damage the ship will receive and we quite forget the offensive power that we possess that we are going to give the enemy the benefit of.

Admiral of the Fleet Sir GEOFFREY PHIPPS HORNBY. Lord Ravensworth, my lords, and gentlemen, I have come here following an officer (Lord Charles Beresford), whom I am sorry to say I must call a younger officer. In almost everything he has said with reference to the service at large I entirely agree, and I think that he expresses the feeling of the greater part of the naval profession. * * *

All I wish to point out is this, that I feel with reference to these ships as a naval officer, and as one who has served on board ironclads, that I should be glad indeed to serve in such ships as these which are now shown us, because they seem to me to embody the idea which Lord Charles Beresford has so strongly put forward, and what I believe is the idea of every naval officer, that they are ships of very great offensive power. They have great speed, which I consider is the highest quality that any ship can have; and, mind you, I do not want to put my opinion forward; I go upon the opinion of our highest authority, that of Lord Nelson. * * * Why I approve particularly of these ships is that I think, as Lord Charles Beresford said, that hitherto our ships have never been built in the right way—that is to say, you have never asked the man who is going to inhabit the house what sort of house he would like to have, but have disregarded the opinion that those gentlemen have given, the requirements that those gentlemen have laid down. But now these requirements have been carried out, very *much to the satisfaction* of those who are particularly concerned—that is, the *officers* who have to *command* your *fleets*. The names of the officers to whom these plans have been referred, and who have approved of them, are those of officers who have just left active service. Only one name has been omitted, viz, that of Admiral Tryon, and that is in consequence of his having been laid up by an accident, but otherwise you have the opinion of the officer commanding the Channel fleet, the officer lately in command of the China fleet, and the officer lately commanding the India fleet. *I say myself* you have *got every name* barring one which *could guarantee* the *propriety* of *these ships*, and for my part I feel, on their opinions much more strongly than I do upon my own, that *these ships* are *good*, and *will* be *serviceable ships*, and *such* as *any admiral will be fortunate to command.*

Rear-Admiral P. H. COLOMB. My lord and gentlemen, I think two distinct points must be apparent to the meeting from the discussions which have gone on. First of all you have got a number of naval officers in *perfect agreement*, which is not common; and, secondly, that the difficulties which the naval architect has to deal with in building battle ships are the difficulties of opinion—that is to say, the naval architect has to go by the opinion of the day when he builds; and sometimes after he has built opinion turns somewhat against him. * * *

I should like to say, speaking as a naval officer, about these designs, that this thing has not been done in a corner. That is to say, the navy has been taken into the confidence of the constructors, and the Board of Admiralty, in a way that it never was before, and I think the result must be this, that *never* in *this theater will naval officers* be *able* to *get up* and *denounce those ships* if *they turn out differently* from *what they expect*, but that *the constructors will* be *able* to *turn round upon us*, and say, *They are your ships; they are not ours.* I think the navy is quite prepared to accept the responsibility for these ships for, taking them all in all, we are agreed generally that they are as good as the opinion of the day will allow us to have them. * * * But I want to say, finally, that I believe the feeling of the service is entirely clear on the designs of these new battle ships; that taking what the service asks for all round *they are the fairest*, the *most open*, and the *most complete attempt* to *meet* the *naval opinion* of *the day.*

Admiral Lord CLANWILLIAM. I will not detain the meeting two minutes. I only wish to add my testimony as a naval officer to the general opinion throughout the service that *these vessels are* of *the right sort*, and that we have every confidence in the ability of the officers who gave the instructions to Mr. White to design them.

Capt. S. LONG. The only other point upon which I would take up the time of the meeting is with regard to the high freeboard forward of the new ships, which is an interesting question. I notice in Plate IX that the lower part of the freeboard forward is divided up into small spaces. I was very sorry to see that, but I would remark that the height of freeboard [any excess over what is necessary is most objectionable owing to the increased weight and size of target involved in it] which is necessary is a very important question, and one upon which, I think, experience might throw a good deal of light.

* * * * * * *

Capt. G. H. U. NOEL. Being the third naval officer who has spoken in succession, I am afraid you will be tired of hearing what the navy has got to say, but I won't be very long. In the few remarks I have to make I hope that Sir Nathaniel Barnaby and the gentlemen present will excuse my dwelling not so much on to-day's paper as on yesterday's. I would like to express my entire confidence in the exceptional ability of the chief constructor of the navy, Mr. White, and to thank him for his admirable paper of yesterday. I believe that he came back to the Admiralty fully intending that what he did there he would do in concert with the naval authorities, and it *was* in *consequence* of his *carrying out that intention* that *we got this new type* of *ship, which* was *so greatly approved of* in the *discussion yesterday.* * * *

We want to have some offensive power as well as being, to some extent, protected. On this question, speaking of the *Admiral* class, I stated in a paper read at this institution in 1885, that with an addition of about 150 tons of 3-inch steel plating, sufficient to give the *Collingwood* a 6-foot water-line belt at her unarmored ends, I thought that she would be as capable and effective a vessel as any afloat at that time. I still adhere to that opinion.

(The freeboard of the *Collingwood*, forward, was about 7 feet less than that of the *Royal Sovereign*, and about 8 feet less than that of the *Connecticut.*)

Admiral Sir W. HOUSTON STEWART. During the ten years that I was at the Admiralty, the Admiralty of the day, one administration after another used the utmost endeavors to obtain the views, opinions, and criticisms of naval officers in regard to the designs proposed, and I confirm what I said yesterday when that noble lord, gallant naval officer, popular orator, and efficient member of Parliament was speaking, that during the time I was comptroller of the navy no design went forth from the Admiralty that was not stamped with the Board's seal in the presence of the Board of Admiralty and signed by the responsible naval officers of the day. Sir Edward Reed paid me the compliment in a letter in the Times the other day to say that he believed I was primarily responsible for the *Admiral* class. If it is so, I may accept that responsibility with pride, because I was associated with some of our most distinguished and most efficient naval officers who formed the Board of Admiralty at the time that class of ships was designed.

The foregoing quotations from remarks made by distinguished British naval officers are too direct and conclusive to need further comment. A brief summary of some of the most salient remarks will be useful, however, in fixing them in our minds.

Lord Charles Beresford stated:

"*I do not believe they* could have made a *better ship* than *these new ones.* * * * They have got the seamen together (by the seamen I mean the engineers and the artillerymen and the men who have got to fight the ships), and they have stated what they wanted to have, both in regard to capability of offense and defense, draft and speed."

Admiral of the Fleet Sir Geoffrey Phipps Hornby concurred in almost everything said by Lord Charles Beresford, with reference to the service at large, and stated in conclusion that the requirements of the seagoing officers—

* * * "Have been carried out very *much to the satisfaction* of those who are particularly concerned—that is, the *officers* who have to *command* your *fleets.* * * * *I say myself you have got every name barring one which could guarantee the propriety of these ships*, and, for

my part, I feel on their opinions much more strongly than I do upon my own, that *these ships* are *good*, and will be *serviceable ships*, and *such as any admiral* will be *fortunate* to *command*."

Rear-Admiral P. H. Colomb said:

"I think two distinct points must be apparent to the meeting from the discussions which have gone on. *First of all*, that you have got a *number of naval officers* in *perfect agreement, which is not common;* and *secondly*, that *the difficulties which* the *naval architect has to deal with in building battle ships are* the *difficulties of opinion.* * * * The navy has been taken into the confidence of the constructors and the Board of Admiralty in a way that it never was before, and I think the result must be this, that never in this theater will naval officers be able to get up and denounce those ships if they turn out differently from what they expect, but that the constructors will be able to turn round upon us and say: *They are your ships; they are not ours.* * * * But I *want* to *say, finally*, that I believe the *feeling* of *the service* is *entirely clear* on the *designs* of *these new battle ships;* that *taking what* the *service asks for all round they are the fairest, the most open*, and *the most complete attempt* to *meet* the *naval opinion* of *the day.*"

Admiral Lord CLANWILLIAM. * * * I only wish to add my testimony as a naval officer to *the general opinion throughout the service that these vessels* are *of* the *right sort*, and that we have every confidence in the ability of the officers who gave the instructions to Mr. White to design them.

Capt. G. H. U. NOEL. * * * I would like to express my entire confidence in the exceptional ability of the chief constructor of the navy, Mr. White, and to thank him for his admirable paper of yesterday. I believe that he came back to the Admiralty fully intending that what he did there he would do in concert with the naval authorities, and it was in consequence of his carrying out that intention that we got *this new type* of *ship, which was so greatly approved* of in the *discussion yesterday.*

Nothing could possibly be more conclusive than the foregoing remarks as to the *approval* of the *Royal Sovereign designs* by the *seagoing element.* The selfsame questions of "height of freeboard forward," "height of gun axes," "location of water-line belt armor," etc., were involved at that time in the same manner as to-day. The subsequent action of British boards of admiralty and British designers with respect to all succeeding battle ships of the British navy, up to the time of the approval of the *Dreadnought's* designs, was largely based upon the unanimous conclusions which had been reached in the case of the *Royal Sovereign* designs.

Since, therefore, the general characteristics of the *Royal Sovereign*, so far as concerned "displacement," "dimensions," "height of freeboard," "height of gun axes," "water-line armor distribution," etc., are so strictly comparable with those of the majority of the battle ships in the United States Atlantic fleet, it is especially interesting to note that the *designed freeboard* of the *Royal Sovereign* class *abreast* the *forward barbette* is *about 18 feet;* the *corresponding freeboard forward on fourteen* of the *sixteen battle ships* of the *United States Atlantic fleet* is *greater* than *18 feet*, the *Kearsarge* and *Kentucky* being the *only vessels* in the *whole battle ship fleet* now in *commission* whose *forward freeboard* is *less* than *that* of the *Royal Sovereign.* Moreover, the height of the forward main battery guns of the *Royal Sovereign* class above the designed load water line is about *3 feet less* than the height of forward turret guns above the designed load water line of the five vessels of the *Connecticut* class, the three vessels of the *Maine* class, and the two vessels of the *Illinois* class, now attached to the Atlantic fleet, and more than *2 feet less* than the *four* vessels of the *Virginia* class; the *forward main battery guns* of the *Royal Sovereign class* are *thus appreciably lower* than the *forward main battery guns* of *all* the *battle ships of the Atlantic fleet except* the *two vessels* of the *Kearsarge class.* The *height* of the *upper edge* of the *main water-line belt armor* of the *Royal Sovereign* class *above* the *water line* at *designed load displacement* is *less* than *that* of *all battle ships* of the *Kearsarge, Illinois, Maine, Connecticut*, and *Vermont* classes, and *just equal* to *that* of the *Virginia class*, the height above water of the upper edge of the main water-line belt of the five vessels of the *Connecticut* and *Vermont* classes being *1 foot 3 inches greater* than that of the *Royal Sovereign* under similar conditions of load displacement.

It is also worthy of note that the *lower edge* of the *main water-line belt* of the *Royal Sovereign* class *below the designed load water line* is *5 feet 6 inches*, and the responsible designer at that time had to defend himself against rather severe criticism from certain quarters for having approved so narrow a belt of water-line armor. It is especially interesting to note, therefore, in this connection that the most serious criticism recently directed against battle ships of the United States Navy was that the *lower edge* of the *water-line belt armor* was *too deeply immersed*, although, as a matter of fact, in no case has the lower edge of the water-line belt armor of United States battle ships been more deeply immersed than 5 feet at the designed load displacement, the corresponding immersion of the *Royal Sovereign's* armor, be it noted, being 5 feet 6 inches.

Since "height of freeboard," "height of gun axes," and "location of water-line belt armor" are necessarily governed by the probable behavior of the vessel in a seaway, and inasmuch as the behavior of the sea has in no sense changed during the past nineteen years, designs whose seagoing qualities fully satisfied the most representative officers in the British navy in 1889 should be entirely satisfactory to-day, so far as concerns *seagoing qualities.* As a matter of fact, the freeboard established for the *Royal Sovereign* and the degree of submergence of the lower edge of the main water-line belt at designed load displacement have remained substantially the same for battle ships of the British navy which have been designed during the past nineteen years, with the possible exception of the *Majestic* class and the most recently designed battle ships, viz, those of the *Dreadnought* class. The extra freeboard of the *Dreadnought*, however, is a perfectly natural and logical development for a vessel of such great length, fine water lines, and comparative concentration of heavy weights near the extremities. Therefore the greater height of freeboard forward on the *Dreadnought* is in no sense, and can not possibly be construed as, a reflection upon the designs of battle ships of the British navy which preceded the *Dreadnought*, nor is it in any sense a confession that the freeboard of the battle ships previously designed was insufficient.

Appendices I, II, III, and VI, and the cross sections of typical battle ships of the United States and foreign navies shown in Appendix VII are conclusive in showing how favorably battle ships of the United States Navy compare with battle ships of corresponding dates in the British and Japanese navies as regards heights of gun axes and location of water-line belt armor. As already noted, the French school of design, which had previously been somewhat closely followed by the Russians, involved high freeboards, high gun axes, and more extensive water-line armor protection, but with obviously serious sacrifices in other directions. Aside from the conclusive testimony afforded by the discussion of the *Royal Sovereign* designs, there is ample evidence to prove that questions of height and freeboard, height of gun axes, and proper location of water-line armor with reference to the designed load water line have been given most complete consideration by thoroughly competent officers of the United States Navy from the earliest days of our experience as builders of battle ships.

On March 25, 1896, the Acting Secretary of the Navy appointed a board (of which the late Rear-Admiral John G. Walker, U. S. Navy, was president) "for the purpose of considering and reporting upon the best plan for the installation of the main batteries of such battle ships as Congress may authorize during its present session," and other questions relating to battle-ship design. The other members of this special board were Commodore R. L. Phythian, Chief Engineer Edward Farmer, Capt. Philip H. Cooper, and Naval Constructor J. J. Woodward, U. S. Navy. Subsequently Captain (now Rear-Admiral) Remey, relieved Captain Cooper, and Lieut. (now Capt.) S. A. Staunton was appointed an additional member of the board. This board, though primarily convened to make recommendations with respect to the battery of vessels for which appropriations were expected to be made, very properly considered the whole question of battle-ship design in order that it might arrive at an intelligent conclusion with respect to the best type of battery to be adopted. By specific order of the Secretary of the Navy all bureaus were directed to furnish this board with complete data with respect to the subjects then under consideration, and the board witnessed various armor and gun tests, made a sea voyage on the U. S. S. *Indiana*, and inspected the *Massachusetts* and *Iowa*, then in course of construction. The following quotation from the board's report is therefore most interesting:

"The board, upon its earliest inquiry into the nature of its duties, found them of a most comprehensive character. The installation of the battery of a battle ship is not a question which stands alone. It is inseparably connected with the size of guns, their number, and the armored protection which their emplacements are to have. This total weight of armament depends in its turn upon the size of the ship, her hull protection, and the speed and coal endurance contemplated in her design. Connected with these features and bearing materially upon her military efficiency are the habitability of a ship (which includes sufficient quarters and berthing space for the officers and men necessary to properly navigate and fight the ship) and her seagoing qualities, i. e., her capacity for steaming and fighting in bad weather.

"The necessity of these adjustments is a matter of common knowledge and is condensed into the axiomatic saying that 'every ship is a compromise.' The board assumes, however, that the new battle ships will be as to size, speed, and coal endurance substantially the same as those already building, viz, of about 11,500 tons normal displacement, 16 knots speed, and 1,200 to 1,600 tons coal capacity, and with these assumptions it proceeded to attack the problem placed before it.

"To arrive at a conclusion upon a problem so complex, it is necessary to narrow the issue by successive steps. Considering size, speed, coal endurance, and hull protection as fixed within narrow margins, the board had next to consider the different types of batteries installed and projected. These are for our own Navy three in number, viz:

"(1) That of the *Indiana* and class.

"(2) That of the *Iowa*.

"(3) That of the *Kearsarge* and *Kentucky*.

"It became the board's duty to recommend the adoption of one of these types, or to suggest such modifications as, in its opinion, would make a better ship than any of them."

Subsequent comment upon the action of the Walker board and upon "freeboard" in our own and in foreign services is fully set forth in the following quotations from the chief constructor's recent testimony before the House Naval Committee:

"The board also invited attention to the desirability of carrying a larger proportion of the coal and stores at the normal draft than had previously been customary, and that at her normal draft (which should also be her fighting draft) she should carry not less than two-thirds of her full capacity of ammunition, coal, and stores, and that the position of the armor belt should bear a proper relation to this load line. From that time to the present day two-thirds of the ammunition and all consumable stores, other than coal, have been carried on the designed load displacement of the vessel. The proportion of coal carried at designed load displacement, however, has not been in our service, nor in any other service, as much as *two-thirds* of the *full capacity* of the *bunkers*, except in the case of vessels of the *Alabama* class, which vessels were the direct outcome of the Walker board's recommendations. The subsequent reduction in the *proportion* of coal carried was due undoubtedly to the fact that while the *Alabama* class *had a bunker capacity of only 1,200 tons*, thus making two-thirds of the bunker capacity a very fair proportion of the coal to be carried at designed displacement, subsequent designs provided for a very *much greater bunker capacity*, so that 900 to 1,000 tons was regarded as a suitable amount to be carried at the designed load displacement. The practice of the United States Navy in this respect is practically identical with that of foreign navies. The Walker board also invited particular attention to the desirability of battle ships of the United States Navy being able to 'perform any duty required of ships of their type and strength, and that their seagoing qualities should not be inferior to those of the battle ships of other navies.' The conclusion and recommendations of the board were as follows:

"That the new battle ships, when fully equipped for service and containing not less than two-thirds of their full capacity of ammunition, stores, and coal, should not be deeper than their 'normal' or designed draft upon which their speed is based, and that their weights of armor and armament should be restricted accordingly.

"That they should have sufficient berthing space to accommodate the officers and men of their war complements in such a manner as to maintain their health and vigor.

"That no feature of their design should be permitted to seriously impair good seagoing and sea-enduring qualities.

"That they should have high freeboard forward and low freeboard aft, substantially like the *Iowa*, and be armor belted like the *Kearsarge*.

"That their principal battery should consist of four 13-inch guns mounted in two turrets in pairs, substantially as the *Iowa's* 12-inch guns are mounted; these principal turrets to be placed as close to each other as the machinery space conveniently permits.

"That their auxiliary battery shall consist of fourteen rapid-fire 6-inch guns, ten on the main deck and four on the upper deck, all behind 6-inch armor. Two of the guns on the main deck in the eyes of the ship have forward fire, two of the guns on the upper deck have forward fire, and the other two fire aft. All of the 6-inch guns fire in broadside, seven on each side."

It thus appears that this specially selected board, a large majority of whose members were seagoing officers, recommended a vessel whose *freeboard, water-line protection, etc.*, was regarded as *entirely satisfactory*

to the seagoing element at that time. The actual vessels whose design embodied the recommendations of this board are the *Alabama, Illinois,* and *Wisconsin,* and the board's recommendation as to "freeboards" indicated that they regarded the "forward freeboard" provided for the *Alabama* class as "high."

Again, the general board of the Navy, which is composed entirely of seagoing officers and is presided over by one of the most distinguished officers the American Navy has ever had, recommended, under date of October 17, 1903, in a report submitting its opinion as to the principal characteristics which should be embodied in battle ships as follows: "To have high freeboard forward. In this respect the *Iowa* type impresses favorably. Armor protection: similar to the *Maine* class." Subsequently the board modified its recommendation as to the armor protection and concurred in the recommendation of the Board on Construction as to the superiority of distribution of armor on the *Vermont* class. It may be noted in this connection that the "high freeboard" forward on the *Iowa* is slightly less than that of any vessel in the United States Atlantic battle-ship fleet, except the *Kearsarge* and *Kentucky.*

We therefore have a *height* of *freeboard* and *distribution* of *water-line belt armor* in the *large majority* of *battle ships* of the *United States Navy* which *commanded* the *explicit approval* of *thoroughly representative seagoing officers in our own service;* and *vessels* of *similar characteristics* had and *still have* the *approval* of *service sentiment* in the *British* and *Japanese navies;* and the sentiment to-day of those who have given careful and exhaustive consideration to these subjects is just as *definite* and *pronounced* as it was when these matters of *freeboard* and *waterline armor arrangement* were *first* under *consideration.*

It should also be remembered that the designs of all vessels of the United States Navy are passed upon by the Board on Construction. The original title of this board was, in fact, the Board on the Designs of Ships. Among the membership of this board from 1889 to the date of the approval of the designs of the *Connecticut* class (the most recently designed class of vessels now attached to the battle-ship fleet) were the following well-known officers of the United States Navy:

BOARD ON CONSTRUCTION.

	Period of service.
Admiral of the Navy George Dewey	1889–1893
Rear-Admiral Montgomery Sicard	1889–1890
Capt. G. B. White	1889–1890
Chief Constructor T. D. Wilson	1889–1893
Engineer in Chief George W. Melville	1889–1903
Rear-Admiral W. M. Folger	1890–1893
Rear-Admiral Charles H. Davis	1890–1893
Rear-Admiral Norman H. Farquhar	1890–1893
Rear-Admiral French E. Chadwick	1893–1897
Rear-Admiral William T. Sampson	1893–1897
Rear-Admiral Frederick Singer	1893–1896
Rear-Admiral E. O. Mathews	1894–1898
Chief Constructor Philip Hichborn	1893–1901
Rear-Admiral Charles O'Neil	1897–1904
Rear-Admiral R. B. Bradford	1897–1903
Capt. Richard Wainwright	1897–
Rear-Admiral Richardson Clover	1900–1902
Rear-Admiral Charles D. Sigsbee	1900–1902
Chief Constructor Francis T. Bowles	1901–1903

For further information concerning the duties and qualifications of the Board on Construction, attention is invited to the annual report of the Secretary of the Navy for 1907, page 32, and to the annual report of the Chief of the Bureau of Construction and Repair for 1907, pages 16 and 17 and pages 47 to 49.

Considering, therefore, the *overwhelming preponderance* of representative *naval opinion* as to the desirability of *freeboard* and *armor distribution* similar to that *actually provided* on battle ships of our own Navy and on those of the same type and date of design in British and other important foreign navies, it is evident how very much astray are the self-satisfied critics who state that "all of our battle ships are deficient in freeboard, water-line protection," etc.

Perhaps the critic is not aware, however, that there are two distinct "schools of design," so far as concerns height of freeboard, height of gun axes, and water-line armor protection, and that, while the English, Japanese, American, and to a less extent, the German designers preferred moderate freeboard and a certain arrangement of water-line armor protection, the French and Russian designers had different ideas on those subjects. Thus, for many years, the tendency among French designers has been to elevate the main battery high above the water line—as a rule, about one deck height higher than in the British, American, and Japanese ships—at least so far as concerned the forward turrets. This possibly permits the forward main battery to be operated under conditions of sea during which gun fire of any kind must be regarded as futile; but, under any condition of sea in which naval battles are likely to be fought, such extreme elevation of the battery is regarded by naval designers and naval officers of most other countries as quite undesirable in view of the great sacrifices involved in such an arrangement—the consequent raising of the center of gravity of the vessel, less efficient armor protection to turret supports and greatly increased size of target being disadvantages of a most serious character.

I think it is pertinent in this connection to remark that the principal battle ships of the Russian fleet which took part in the battle of the Sea of Japan were designed in accordance with the ideas of what may be termed the "French school," while practically all of the battle ships and armored cruisers of the Japanese fleet were designed in accordance with British and American ideas of moderate freeboard, moderate gun heights, etc. All of the Japanese battle ships and armored cruisers which took part in the battle of the Sea of Japan were afloat and in good condition at the termination of the battle, and while high freeboards and a certain character of water-line armor protection may not have been *directly* responsible for the foundering of such vessels of the Russian fleet as were sunk by gun fire, the *sacrifices* which *had* to be *made* in *order to develop that type* of *design were undoubtedly contributory* to the *ultimate foundering* of *those vessels.* In order that it may be clearly apparent that the weather conditions during the battle of the Sea of Japan were such as to "try out" the moderate freeboards of the Japanese vessels, the following quotations with respect thereto are given:

"John Leyland, in Brassey's Annual for 1906, chapter 6, says, on page 105, that 'a heavy sea was running.' On page 99 he says that 'the weather was misty with a wind from the southwest and a sea which caused Rojestvensky's ships to roll heavily and greatly distress the destroyers.'

"Lieut. R. D. White, in the Proceedings of the Naval Institute of June, 1906, quotes one of the Russian officers as saying that 'the morning of May 27 was raw and cheerless; the cold wind blew from the southwest; a grayish mist hung overhead and shut out vision well short of the horizon. When the rain fell later in the day, it was cold and penetrating.'

"Henry Reuterdahl, in Jane's Fighting Ships, 1906–7, relating the story of the fight as told him by the survivors, states that 'there was a strong breeze and heavy sea, rising almost to a gale.'"

In order, however, that there may be no possible misunderstanding as to *gun-fire* casualties in the battle of the Sea of Japan, it should be noted that reports indicate that only *two* Russian battle ships were *sunk* as the *direct result* of *gun fire* during the more than five hours' fighting on the first day, and this in spite of the excessively overloaded condition of these vessels at the time of the battle, as indicated by subsequent official statements, this overloading naturally resulting in the complete submergence of the heavy water-line belt armor and a marked decrease of stability under damaged conditions. It is noteworthy, therefore, that, even under these unusual conditions of excessive overloading, with the definite decrease in defensive qualities consequent thereupon, only two battle ships entirely succumbed to gun fire, and one of these only after *five hours'* fighting. These facts would seem to be sufficiently eloquent when considering the possibilities of our own battle ships.

Again, we surely can assume that the Japanese have had as extensive experience under modern battle conditions at sea as any nation in the world; and yet a very recently designed Japanese battle ship, which presumably embodies the lessons learned at Tsushima, has approximately the *same freeboard forward* as *our ships* of the *Maine* and *Alabama classes,* although from 100 to 125 feet longer, thereby indicating clearly that the Japanese are willing to sacrifice something in freeboard and gun height, even in so long and speedy a vessel, in order to more fully develop other qualities.

Although the British, in their *Dreadnought,* and the United States Navy, in the *Delaware,* have considerably increased the freeboard forward on such vessels, such an increase in freeboard is in no sense a reflection upon previous designs or a confession that previous designers were in error, but is a perfectly normal and logical development due to increase in length of ship, increase in fineness of water lines, concentration of heavy weights relatively near the extremities, etc.

When a critic recently stated in a magazine article that it was only "after special pressure from the President of the United States that our latest ships were given proper freeboard," he simply advertised himself as a disseminator of false statements and as one quite ignorant of the subject he was presuming to discuss. As the Chief Constructor of the Navy, I can state most positively that no such criticism, no such suggestion, no such direction, has ever come to me from the President of the United States in relation to the designs of the *Delaware* class, the only class of battle ships in the United States Navy with very high freeboard forward—this high freeboard being given by the designer for reasons already set forth.

* * * Generally speaking, freeboard in excess of seagoing requirements is most undesirable in a battle ship. High freeboard involves a high center of gravity and considerably less stability under damaged conditions; it also means greater target area; moreover, the extra weight devoted to high freeboard decreases the percentage of displacement which can be devoted to other seriously important elements of the design. So far as I am aware, the sentiment of the English and Japanese services is distinctly in favor of the moderate freeboard which has been characteristic of our ships wherever such moderate freeboard is practicable. In the very long and fine-lined ship, however, with concentration of weight nearer the extremities, it is desirable, for seagoing reasons, as already stated, to raise the forecastle; but the Japanese are apparently so impressed with the desirability of limiting the elevation of their top weights and devoting as much weight as possible to armor and armament, that they appear to be willing to make some sacrifice in freeboard. They have, therefore, maintained approximately the same freeboard in their new and larger battle ships as seemed sufficient for their older and shorter vessels; and surely the Japanese have the advantage of great experience so far as concerns the essential requirements of battle ships under modern battle conditions.

From all of the foregoing, I have no hesitancy whatever in stating that the *freeboard forward* on *American battle ships now* in *commission,* with the sole exception of the *Kearsarge* and *Kentucky, is ample* to *meet all* the *requirements* of the *batteries* of *those vessels under any conditions* of *sea* which *are likely* to be *met with* in *naval actions.* The *experience* of the *Japanese* battle ships in the battle of the Sea of Japan *leaves* no *possible ground* for *doubt* upon *that score*—the *Japanese battle ships,* be it remembered, being *somewhat inferior* in *freeboard* and *gun height,* and having *less effective distribution* of *water-line armor* than a *large majority* of the *battle ships* of the *United States Atlantic fleet.*

With respect to the distribution of water-line armor in our battle ships, as compared with foreign battle ships of the same date of design, attention is invited to the cross sections of typical battle ships of the United States and foreign navies, shown in Appendix VII. The cross sections speak for themselves, and I have already described the care with which these cross sections have been prepared, all available data being consulted.

It is especially noteworthy that the water-line armor protection of practically all of the battle ships of the United States Atlantic fleet is equal, or superior, to that of Admiral Togo's flagship *Mikasa;* that the *armor above* the *water-line* belt for the *Virginia* class, and the *Connecticut* and *Louisiana* is of the *same* thickness as that of the *Mikasa;* that the armor above the water-line belt on the *Vermont, Kansas,* and *Minnesota* is *1 inch thicker* than that of the *Mikasa;* that the *height* of the *upper edge* of the *main-belt armor above* the *load water line* on the *five vessels* of the *Connecticut* class is *1 foot 9 inches greater* than the corresponding *height* of the *belt armor* on the *Mikasa;* also that the *upper edge* of the *main belt armor* of *all other battle ships* in the *United States Atlantic fleet* is more than *6 inches higher out of water* at the *designed load displacement than* the *upper edge* of the *main water-line belt armor* of the *Mikasa.* Moreover, the main water-line belt and upper side belt of the Japanese battle ships *Kashima* and *Katori,* which were in course of construction for the Japanese navy at the time of the Russo-Japanese war, were practically identical with that of the *Mikasa.* Again, the *distribution* of *main water-line belt* and other *side armor* of the *Aki,* one of the latest Japanese battle ships, designed in *1906 after* the *close* of the *war,* is *almost identical* with *that* of the United States battle ship *Vermont, designed* in *1904,* except that the upper edge of the *main belt armor* of the *Aki* lacks *9 inches* of being

as high above the *designed load water line* as the corresponding armor of the *Vermont*. The Japanese have had very considerable experience as to the necessity of certain dispositions of armor, guns, freeboard, etc., so that I have no hesitancy in predicting, in view of the foregoing statement as to armor distribution, that the battle ships of the United States Atlantic fleet could give a most excellent account of themselves in any naval encounter in which they might become engaged.

The plans and tabular data accompanying this report are so complete and so self-explanatory that it does not seem necessary to make further comment with respect to the alleged insufficiency of freeboard, water-line armor protection, etc., of battle ships of the United States Navy. As a matter of interest, however, there will be attached to this report, as an appendix, some extracts from foreign periodicals which clearly indicate the high esteem in which American designs of battle ships have been held by foreign naval critics. The following quotation from the Chief Constructor's recent testimony before the Naval Committee of the House gives a statement of the reason for locating the water-line armor protection in the manner followed by American, British, and Japanese designers:

"The consensus of opinion among naval designers, and those naval officers who have given very considerable attention to the subject, appears to be that the lower edge of the main water-line belt armor at the designed load displacement should be immersed about 5 feet. It should be remembered that this is the immersion at the designed *load displacement*, or *trial displacement*, as it is usually called in our service, and *not* the *deep-load displacement*. This depth of submergence is, of course, more or less arbitrary and is based upon the amount of weight which can be devoted to armor protection and is governed to a certain extent also by the beam of the ship. The subject of weight is a very serious one for naval designers, and the immersion of the lower edge of the armor belt has been limited to 5 feet, not because that is ample, in the judgment of the designer, under all conditions, but because it is all that can be permitted under the allowance of weight for armor protection, and under ordinary conditions it should give ample protection. If the vessel were *very light*, it would not give satisfactory protection under ordinary conditions of rolling, but that risk must be taken. When, on the other hand, the vessel is *deep loaded*, the protection of the vessel under conditions of fairly heavy rolling is good; but even then a roll of 10 degrees would cause the *lower* edge of the armor to come out of water. It is thus obvious that protection of the water line is limited by the weight of armor which can be used for this purpose and is more or less a compromise."

Mr. BUTLER. Why do you want this protection below the water?

Admiral CAPPS. Because of the action of the sea. As the ship rolls the armor tends to emerge. Moreover, in a perfectly smooth sea—and I can show you dozens of photographs indicating this fact—the formation of waves at right angles to the line of travel of the vessel when going at high speed will cause an exposure of the side of the vessel, below the average water level, of 3 or 4 feet, and this in smooth water.

Mr. BUTLER. And when the ship rolls back, will it expose what we call the skin of the ship?

Admiral CAPPS. It is very apt to expose the skin of the ship. There will doubtless be many times during a naval action, in rough weather, when the bottom below the armor belt will be exposed; and while a hit at the water line or below the water line is apt to be rare (and this is the experience of naval battles so far), such a hit must always do very serious damage when penetration ensues, because there is a likelihood of hitting boilers or engines or magazines; and even if vital portions of the vessel are not struck, the vessel is much more easily flooded through an *under-water opening* in the bottom. It is thus apparent why *protection below* the *water* to a moderate extent is *relatively* of *far greater importance* than protection *above* the *water line*, and armor distribution is governed accordingly.

In the case of the *Connecticut* class, for instance, the heavy belt is 9 feet 3 inches wide and extends, at designed displacement, from *5 feet below* to *4 feet 3 inches above*. Above the main belt there are two other belts, the lower 6 inches thick, the upper 7 inches thick. For the *Vermont*, *Kansas*, *Minnesota*, *New Hampshire*, *Mississippi*, and *Idaho*, both upper belts are 7 inches thick. Moreover, the belt immediately above the water-line belt is reenforced by deep coal bunkers. In other words, a shot striking just above the main belt on the *Minnesota* would have to pass through 7 inches of armor, nearly 1 inch of structural plating and then nearly 20 feet of coal, if the upper bunkers are full. This very substantial protection above the heavy water-line belt is usually entirely ignored by critics, although it is worthy of note that *this upper belt armor protection* of the *Minnesota* and *class* is as *heavy* or *heavier* than the *main water-line armor protection of thirteen important battle ships* in the *British navy built* or *purchased during* the *past ten years*. So far as concerns the intake of water, it must be remembered that a shot hole just above the water line can only admit small quantities of water, which can easily be taken care of by the pumps or the water-tight subdivision of the hull; whereas, damage below the water line and especially below the protective deck is much more serious, since water then flows in quite freely under a "head" and may easily be beyond the capacity of the pumps.

* * * * * * *

In this connection, I would like to say right here that none of the allegations as to insufficient water-line armor have any bearing upon the *South Carolina* and *Michigan* and the *North Dakota* and *Delaware*, because the *upper belt* of those ships has a mean thickness equal to that of the *main water-line* belt of the *Minnesota* and class, being 10 inches thick at the bottom and 8 inches thick at the top; moreover, these vessels have a compartmental subdivision which will afford ample protection and stability even under conditions of serious under-water damage. Also, if compartments on one side of the ship are flooded, as Mr. Butler suggested a few moments ago, so that, under ordinary conditions, a change of trim of the ship would result, there would be no such continuing change of trim in these vessels, since complete arrangements have been made for flooding the opposite compartments and restoring the vessel to an approximate "even keel."

The CHAIRMAN. I wish you would explain the length of this armor belt; and also state how our distribution of armor compares with the distribution of armor on the British and Japanese ships.

Admiral CAPPS. In general, the distribution of armor on ships of the same date, Japanese, English, and American, is very similar. The actual lengths of the belts on our ships have been calculated and are given in the table already alluded to. This sort of data for foreign vessels is not readily accessible, but we have fairly reliable information which has been gleaned from various sources, and, so far as our information goes, the armor protection of ships of the United States Navy is quite equal to, and in many instances surpasses, that of English and Japanese battle ships. In this connection, it may be noted with considerable interest that in the *South Carolina* class, which are vessels of nearly 2,000 tons less displacement than the British *Dreadnoughts*, the weight assigned to armor and hull is practically the same as that allowed for the *Dreadnought*. It is almost certain, therefore, that the armor protection of the *South Carolina* is superior to that of the *Dreadnought*. The armor protection of the *Delaware* is also superior to that of the latest British and Japanese battle ships, so far as our information indicates. The armor protection of the *Minnesota* is very similar, indeed, to that of British vessels of the *King Edward* class. While the belt above the main belt on the *King Edward* is 1 inch thicker than the corresponding belt in the *Minnesota*, the *Minnesota's main belt is 1 foot 3 inches wider* than that of the *King Edward*, and therefore there is *1 foot 3 inches more* of the *Minnesota's main belt out of water* at the designed load displacement. Armor displacement, like other elements of war-ship design is a compromise, but the fundamental principles which govern its location are the same in all cases and in all countries.

The plans and tabular data accompanying this report, in conjunction with such explanations as appeared necessary in the text, will, I feel sure, conclusively demonstrate that "freeboard," "gun heights," "appropriate water-line armor distribution," and other seagoing necessities of battle ships have always received most earnest and intelligent consideration by naval officers charged with the grave responsibility of developing the best possible battle-ship designs for the United States Navy, and that an adequate development of these qualities has always been provided, having in view the state of advancement of naval matériel at the time of the approval of the designs in question.

I will now proceed, as briefly as possible, to a consideration of the most serious misrepresentations contained in a recent magazine article contributed by a writer who claims unusual knowledge of and familiarity with the vessels of the United States Navy.

It is obvious, however, that a reasonable brevity in this report will make it wholly impracticable to consider in detail *all* of his *misleading statements*. In order that there may be no necessity for referring directly to the article in question, quotations therefrom will be given, followed by such comments as may appear appropriate.

The writer of the article, after indicating the tragic results which would follow an outbreak of war which found our Navy unprepared, continues:

"This article will show some of the reasons why the American Navy is unprepared for war. It will be a statement of facts, not of opinions."

A careful perusal of this report and an examination of the tabular statements and plans herewith transmitted will doubtless convince the impartial reader that this particular magazine writer has great difficulty in distinguishing between *facts* and his own *unsubstantiated* and *erroneous opinions*.

Under the caption of "A fleet with main armor under water" this critic informs us that—

"A modern battle ship is a simple thing in its big general principles. Two points are essential in its protection—a shell-proof armor, which guards its water line; and high, shell-proof turrets, which lift up its guns just above the wash and spray of the waves. An X-ray photograph of its heavy armor would show a monitor with high turrets. The lower part of the smokestacks, the minor gun positions, the conning and signal towers, are all protected; but these two major points are the essentials in the armor of a battle ship.

"Obviously, the most important feature of all must be the belt along the water line. A wound upon a turret may silence that one turret's guns. A hole upon the water line will cripple or sink the ship. Of all the Russian follies which came to light in the great battle of Tsushima that sealed the fate of the Russian-Japanese war, one stands out especially. The Russian battle ships when they went into that fight were overloaded until the shell-proof armor of their water line was underneath the water. They were not battle ships at all. Within a year afterwards our Navy awoke to a realization of a startling fact: The ships of the battle fleet of the United States are in exactly the same condition as the Russian ships at Tsushima, not temporarily, but permanently."

The Chief Constructor, after twenty-eight years' service in the Navy, twenty-two of which have been devoted to special preparation for and performance of the duties of a naval constructor, regrets that he can not concur in the foregoing opinion as to the simplicity of a battle ship. A greater familiarity with the subject would perhaps lead the critic to modify his opinion, and perhaps even tend to make him concur in the opinions of many highly trained men of large experience, both as naval architects and naval officers, that, instead of a modern battle ship being a "simple thing," it is, in reality, a most complicated structure.

This magazine critic asserts that the most important feature of all "must be the belt along the water line." That the belt along the water line is a most important feature may be accepted without dispute. There are many other qualities, however, of equally great importance. He also asserts, with great assurance, that "a hole along the water line will cripple or sink the ship." The size and location of this hole, the subdivision of the ship, and the facilities for disposing of water entering under these conditions will unquestionably determine whether or not such a wound would "cripple or sink the ship." It may be stated with assurance, however, that no properly designed modern battle ship would have its buoyancy seriously impaired—and certainly could not be sunk—by a single or even several shot holes "along the water line." On the contrary, the behavior of the Russian ships in the battle of the Sea of Japan indicates conclusively how difficult it is to *sink* a battle ship by *gun fire* even when the vessel is heavily overloaded with an excess of stores, coal, etc., which carried the heavy armor belt far below the position which it might reasonably be expected to occupy under the stress of battle. As a matter of fact, despite the very unusual and quite unnecessary condition of overloading under which the Russian ships went into battle, it is worthy of special note that it was only after nearly an hour of heavy, concentrated fire by the Japanese that the *Osliabia* foundered, this vessel being the *first* of the Russian battle ships to succumb to gun fire. The large majority of the other Russian vessels which were ultimately sunk foundered as a result of torpedo attack or the opening of sea valves by their own crews and not gun fire. It is also noteworthy that the next ship after the *Osliabia* which foundered as a direct result of gun fire, had successfully resisted vital injury by gun fire for more than five hours—a profound tribute to the ability of the damaged battle ship to remain afloat even under the serious disadvantages of overloading which prevailed on vessels of the Russian fleet at the battle of the Sea of Japan.

It has already been stated in this report, and, in fact, is perfectly well known to those who have given any serious consideration to the subject of water-line and above-water-line armor protection of battle ships, that

a wound *above* the *main* armor belt is of *minor consequence* as compared with one *through* the *main water-line armor belt* or *below* the *main armor belt*, for the simplest of all reasons: *First*, a shell penetrating the upper armor belt would be *above* the protective deck and would explode in coal bunkers, in all probability, if it exploded at all. The fragments of such a shell could not, under ordinary conditions, seriously affect the vital portions of the ship. Moreover, the inflow of water through a hole in the armor above the main belt, at or above the water line, would be gradual and quite within the control of the ship's pumps. Penetration through the main armor belt *below* the *water line*, however, or penetration of the hull entirely *below* the *main armor belt* would open the vessel to an inflow of water under a "head," and, while in the best-designed ships the flow of water through 12-inch holes, even under these conditions, could be taken care of by the pumps or the compartmental subdivision of the ship, it is possible that fragments of a shell so entering would strike portions of the motive machinery or boilers or other vital apparatus and seriously affect the efficiency of the vessel. For this reason, with a given amount of armor, it is *imperative* that the greatest protection should be given to the *water line* of a vessel in *wake* of *machinery, boilers*, and *magazines*, and that the *lower edge* of *this armor belt* should be *sufficiently below* the *load water line* as to afford ample protection to the vitals of the ship when the ship is subjected to the *rolling* and *pitching* motion of the sea. After a most exhaustive consideration of this subject by naval constructors and the best-informed naval officers of every important navy, the conclusions reached in each particular country are almost identical, and for the many battle ships which have been designed in England, France, America, Japan, Russia, and Germany during the past twenty years, the *depth* of *submergence* of the *lower edge* of the *side belt armor below* the *designed load displacement water line* is the *same*, within *comparatively small variations*, as is fully set forth in the plan of cross sections, Appendix VII.

The usual depth of submergence of the lower edge of main belt armor is about 5 feet, as shown on the various sections of typical ships given in Appendix VII. The cross sections show clearly the remarkable agreement among the designs of battle ships of all countries with respect to this much agitated question of depth of submergence of lower edge of main armor belt, and that for all the battle ships of the United States Navy, as well as those of foreign navies designed since 1899, there is almost absolute agreement; the maximum variation for American, British, French, Japanese, and Russian battle ships being only *3 inches*, the overwhelming majority having a depth of submergence of just 5 feet, the depth of submergence adopted in the United States Navy.

It has been fully shown in another part of this report that our battle ships, when *fully loaded*, do not have the upper edge of their main armor belt immersed, and that even with a large *excess* of stores, etc., on board, the upper edge of the main armor belt of the five vessels of the *Connecticut* class, now with the fleet, and the *Mississippi, Idaho*, and *New Hampshire*, about to go into commission, would have more than a *foot* of their main belts above water. The author's statement that "The ships of the battle fleet of the United States are in exactly the same condition as the Russian ships at Tsushima—not temporarily, but permanently"—is therefore a heedless misstatement of fact, as can be readily demonstrated by the plans of the vessels, the vessels themselves, and the character of the consumable and nonpermanent stores carried when our battle ships are at their deep-load displacement.

The critic states that "Of all our battle ships, not one shows its main armor belt 6 inches above the water when fully equipped and ready for sea."

Disregarding the fact that there is a very substantial belt of armor above the main belt, also that a vessel fully equipped, with bunkers full, all stores and ammunition on board, etc., is by no means in the best condition, or the most probable condition in which a vessel may be expected to meet the enemy, the statement just quoted is not only misleading as to some of our battle ships, but absolutely false as to the rest. Carefully prepared data indicating the draft of water of battle ships of the Atlantic fleet at the time of their departure from navy-yards preliminary to assembling at Hampton Roads in December last (these vessels being then in an unusual condition of loading) directly disprove such a statement. Nearly all of these vessels had full bunkers, and in addition to the regular allowance of ammunition, stores, etc., had extra stores, ammunition, water for boilers, etc., also a large number of extra men and all the outfit and stores necessary therefor. But, even under these conditions, involving in some case extra weights of several hundred tons, not one of the five vessels of the *Connecticut* class, on reaching the high seas, had the upper edge of the belt armor *less than 1 foot above* the *very deep-load water line* then existing.

The writer states that—

"The constructors' plans were made to have from 12 to 30 inches of this out of water when each vessel makes her trial trip."

This is simply a false statement. The fact is that the "designed load displacement" or "trial displacement" of every vessel of the present Atlantic battle-ship fleet provided for *not less* than *36 inches* of the *main side armor belt* being *out of water* at the *designed load displacement*, and the *Connecticut class* had *4 feet 3 inches* of the *heavy side armor belt out of water* at the *designed load draft*. The overdraft, due to "changes," "weights added," etc., subsequent to approval of the design, has already been alluded to, likewise the comparatively moderate "overdraft" of our battle ships.

So far as our information can determine, however, the United States has no monopoly of such "changes," "extra weights," and "overdrafts." As a matter of fact, I believe the United States Navy to be somewhat more fortunate than the majority of navies in this respect—the battle ship *Dreadnought* being a particularly apt illustration in support of this belief, since *not* a *single vessel* of the *United States Atlantic battle-ship fleet* was *as much as 1 foot overdraft* when completed, while the *Dreadnought* is reported as *considerably more than 1 foot* over her designed draft.

The writer next states that—

"Above this (the heavy water-line armor) is a thinner armor which can be pierced by heavy shells. The standard heavy gun of to-day throws a steel projectile 12 inches in diameter, 4 feet long, and weighing 850 pounds, charged with a high explosive. The bursting of one of these shells in this thinner secondary armor would tear a hole bigger than a door upon a ship's water line.

The Chief Constructor has attended many experiments in which 12-inch projectiles have been fired against armor of the character of that constituting the "thinner armor" of battle ships, above alluded to, and has yet to see, and knows of no record of, any damage to such armor by a 12-inch projectile of the character presumably intended to be described by the writer. Of course the writer has the privilege of selecting the size of his "door," and it may have been that it was only a "wee bit of a door" that he had in mind.

The writer's statements with respect to the Russian battle ship *Osliabia* and the remarkable effect of gun fire, etc., on one of the armor plates of that vessel are not substantiated by such reasonably authentic accounts concerning the results of the battle of the Sea of Japan as have come to my notice, and a fairly extensive knowledge of the effects of gun fire on armor plate leads me to believe that the writer's informant had a too highly developed imagination. The effect described is more closely akin to what might happen if the *unarmored side* were struck by high explosive shells.

The writer makes certain other references to what happened to other vessels during the battle of the Sea of Japan, but the information on that subject is so contradictory, and the overloaded condition of the Russian ships at the time of the battle was so unusual and unnecessary, that further consideration seems useless. It is well to remember, however, that *all reports indicate* that, *with two exceptions*, the *vessels* of the *Russian fleet*, in the *battle* of the *Sea* of *Japan* withstood a *terrific amount* of *punishment* for more than *five hours before foundering*, and that the *destruction* of the *large majority* of those that were *actually sunk* was *due* to *subsequent torpedo attack*, or opening of sea valves, after the vessels were in a helpless condition, and *not* to *gun fire*. It appears to me that the "*thin armor*" and coal protection *did noble work*.

The writer then proceeds to comment upon—

"Our Investment in Ships with Submerged Armor," stating that our battle ships "lack a first essential of a battle ship—protection of the water line." Also that "No ship * * * has yet been planned to have a water-line protection reaching more than six inches above the water when she is ready to fight."

These statements are, in effect, a reiteration of previous misstatements, and like them are *wholly misleading* with respect to the sixteen battle ships now comprising the Atlantic fleet, and not only misleading, but *fundamentally false* as regards the last four battle ships designed and now under construction but not yet launched. Those four vessels (the *South Carolina, Michigan, Delaware*, and *North Dakota*) have above the water-line belt an *upper belt* whose mean thickness is *equal to* that of the thickness of the *main water-line* belt of the *Kansas, Vermont, Minnesota, New Hampshire, Mississippi*, and *Idaho*; also *equal* to the thickness of the *main armor belt* of Admiral Togo's *flagship*, the *Mikasa*, and the *lately designed 20,000-ton Japanese battle ship Aki*. So that, while the *Mikasa*, the *Aki*, and the United States battle ships of the *Vermont* and *Mississippi* classes, just noted, have the upper edge of their main water-line armor belt, at designed load displacement, out of water from *2 feet 6 inches* in the case of the *Mikasa* to *4 feet 3 inches* in the case of the *Vermont*, the *South Carolina*, and *Delaware* classes have the *upper edge* of their *upper heavy side armor belt 10 feet and more above the water line*.

The writer then proceeds to state that—

"No other nation of the world has ever made this fundamental mistake, except in the case of a few isolated ships."

Whatever may be the "fundamental mistake" to which the writer alludes, the water-line belt armor of United States battle ships is quite as favorably disposed for keeping out unfriendly projectiles as those of British, Russian, and Japanese vessels, and Appendix VII is quite conclusive on this point.

The writer then refers to the French and British methods of design, etc., ending with the statement—

"The *Dreadnought*, their famous battle ship, embodying the secret lessons of the Russian-Japanese war, represents the principle upon which all their ships are being built to-day."

As the *Dreadnought* is the only vessel of her class in commission, or anywhere near commission, and as the full fighting strength of the British battle-ship fleet of all classes at the present time is composed of *more than sixty* battle ships of *characteristics entirely different from* those of the *Dreadnought*, the writer's generalizations are misleading, to use no stronger term. Incidentally it may be remarked that he makes a very curious mistake with reference to the depth of submergence of the lower edge of the main water-line belt of the *Dreadnought*. The Naval Pocket Book for 1907 states that the lower edge of the main water-line belt armor of the *Dreadnought* is 7 *feet* below the *water line*. The most reliable information to which the Bureau has had access indicates that the lower edge of the main water-line belt of the *Dreadnought*, when the vessel was floating at the *designed water line*, was about 5 feet below the designed water line (this, however, when only 900 tons of coal out of 2,700 tons bunker capacity was on board). Although such information as is generally available indicates that the submergence of the lower edge of the *Dreadnought's* main-belt armor is less than 7 feet and approximately 5 feet, there is a report on file which states that the lower edge of the main-belt armor of that vessel is *8 feet* below water; identical *mistakes* of this character are unusual.

Further along in his article the writer states that—

"Meanwhile the United States makes no movement to raise its water-line armor to where it should be. There is no defense for placing this armor under water. It is kept there simply because it has been placed there in the past. The initial mistake might be understood, for the designing of a battle ship is a most complex problem; but the continuation of the policy seems more incredible than its beginning."

The writer is to be congratulated on getting away from his original suggestion that a battle ship is a "simple thing," and recognizing that it is really "a most complex problem." With due respect to the critic's authority as a naval architect, however, the Chief Constructor begs to remark that defense for the placing of the water-line armor, as it actually is placed, on United States battle ships is not needed; it is purposely kept where placed because it is the best disposition which could be made. The *initial idea* in so placing it *was not* a *mistake*, and the *continuation* of *the policy* is *entirely comprehensible* to *those who have* any *real knowledge of the subject*. The opinion of our own and foreign designers and naval officers of greatest distinction is quite in accord on the subject, and were there weight to *spare*, the lower edge of main water-line belt would tend to go *lower instead of being raised*. Private advices from our battle-ship fleet, now on its way to the west coast, indicate that some of those who thought that battle ships could not roll their armor belts out of water in ordinarily rough water have "seen a light" and are not now so vehement about "submerged armor belts."

Next follows a plain, ordinary, false statement, since the writer says:

"The United States has five big battle ships now building, not one of them, in spite of the continual protest of our seagoing officers, with its main belt above the water line."

There are *seven* battle ships "now building"—the *Mississippi* and *Idaho*, the *New Hampshire*, the *South Carolina* and *Michigan*, and the *Delaware* and *North Dakota*. The first three battle ships just mentioned have the *upper edge* of *main belt 4 feet 3 inches above* the *water line* at *designed load displacement*. The *upper edge* of the *upper*

main belt of the *South Carolina* and *Michigan* and *Delaware* and *North Dakota* (this belt is *10* inches thick at the bottom) is more than *10 feet above* the *water line* at *designed load displacement;* in this respect these ships are superior to any known battle ship in the world.

The writer then proceeds to inveigh against—

"The *Lowness* of American Ships." He tells us that "a battle ship must fight at sea—in heavy weather."

It *may be* necessary to fight "in heavy weather," but I feel safe in saying that a battle ship does not *have* to fight under such conditions; in fact, there are more chances for moderately good weather than for rough weather, and history so proves. The design of a battle ship must provide, however, for fighting under such conditions of weather and sea as may probably exist at the time "action" becomes necessary, and the policy of foreign designers with respect to foreign designs and the direct testimony of our own battle ship commanders leaves no doubt as to the ability of our battle ships to give an excellent account of themselves in any sea in which battles are likely to be fought, for it may be taken for granted that *the enemy will have* the *same sort* of *seaway* in *his part* of *the ocean that our ships will* be *having* in *theirs.*

The writer next proceeds to inform us that a battle ship's gun ports and turrets must be "well out of water." Also, that—

"* * * if this were not the case, the monitor—long since discarded—would not be the fighting ship of the world."

Comment is then made upon the *Indiana, Kearsarge,* and *Kentucky* classes. The *Indiana class* was *designed about eighteen years ago,* and it has been *more than twelve years* since the *contract* for the construction of the *Kearsarge* and *Kentucky* was *signed.* These vessels undoubtedly have low freeboard, as measured by more recent standards. It should not be forgotten, however, that they were appropriated for and designed as "coast-line battle ships," and that many foreign battle ships of that time had about the same freeboard. In an appendix to this report will be found quotations from a foreign scientific publication lauding the *Indiana* class of battle ships. In fact, the battery of the *Indiana* class, when considered in relation to the displacement of those vessels, created a distinct sensation in foreign services, and many and loud were the complaints at that time by foreign critics as to the ability of *American designers* to obtain *so much greater offensive* power in their battle ships than seemed to be possible with foreign designs, while preserving *sufficiently good seagoing qualities.* The *Indiana* and *Kearsarge* classes, however, which comprise altogether only five vessels (only *two* of them being now with the fleet), are the *only* battle ships in *our Navy* which can be regarded as "low freeboard" vessels, *all* of the *others having a freeboard* which, in the *opinion* of *those who have had experience in command* of *such vessels* and in the *opinion* of *highest naval authority in our own* and *foreign services,* is *ample for all conditions of weather under which naval battles* are *likely* to be *fought* with *profit* to *either side. Dismissing further consideration* of *such "long-ago" designs* as *those* of the *Indiana* and *Kentucky classes,* the *height* of *freeboard forward provided for all other battle ships* of the *United States Navy* is *substantially* the *same* as *that adopted* for *every group of battle ships* in the *British navy prior to* the *design* of the *Dreadnaught, with the possible exception* of the *Majestic class.* It also corresponds substantially to, though *rather greater than,* the *freeboard* of *all battle ships* of the *Japanese Navy,* with the *exception* of *those captured* from the *Russians* and *refitted,* but *including one of their latest 20,000-ton battle ships;* and this last fact is worthy of particular note, because this 20,000-ton battle ship is about 500 feet in length and is designed for high speed, and a contemperaneous design of a 20,000-ton battle ship for the United States Navy has about 6 feet more freeboard forward than this Japanese battle ship. This additional height of forward freeboard, however, does not in any sense mean that the "freeboards" previously provided for American battle ships were insufficient, but simply means that, with a vessel of so much *greater* length, *finer water lines,* and great *concentration* of *weights nearer* the *extremities, additional freeboard* forward is regarded as *essential if such* vessels are to *fight* their *forward battery* in a *heavy sea when going* at *comparatively high speed.*

The critic's love of exaggeration leads him to express himself very curiously in the following sentence:

"* * * all modern battle ships in foreign navies have forward decks from about 22 to 28 feet above the water. * * * And in the latest of the foreign ships, especially in the French and British navies, the high bow is universal."

It has already been stated that the French type of battle ship carries its main battery about one deck height higher above the water line than is the case with English, Japanese, and American battle ships. Since, however, out of the more than sixty battle ships in the British navy built and commissioned since 1889, only those of the *Majestic* class and the *Dreadnought* have greater freeboard than about 21 feet, and since all Japanese battle ships, except those captured from Russia, have freeboards of 20 feet or less, the statement that "all modern battle ships in foreign navies have forward decks from about 22 to 28 feet above the water," is as inaccurate as the majority of the statements made in this truly remarkable article. The use of "universal" in this connection scarcely needs comment. We are next advised of the disastrous results which would follow such grave deficiencies in freeboard as he alleges exist in our battle ships, and the critic gives us a graphic description of the way in which "green seas" come aboard, and how the *Virginia,* "with all her ports closed by steel bucklers, shipped 120 tons of water," etc. The lowest guns of the *Virginia* (those of the 6-inch broadside battery) are at about the same level as the gun-deck 6-inch broadside guns on the *Royal Sovereign,* and at approximately the same height as those of the majority of gun-deck broadside guns in British battle ships. They are *higher,* however, than the lowest tier of broadside guns of the very recent British *Duncans, King Edwards,* and *Swiftsures,* the French *Republiques,* and the majority of Japanese battle ships, so far as the data available indicates. The *turret guns* of the *Virginia* are *higher* than those of the British *Duncans, King Edwards, Swiftsures,* and the majority of Japanese battle ships.

In view of the mass of opinion of distinguished seagoing officers of the United States Navy and the British navy, already quoted, as to the excellent qualities, from a seaman's point of view, of the British *Royal Sovereign* and our own *Iowa* and *Alabama,* it is a waste of time to consider further the alleged inability of our battle ships of similar characteristics to fight their batteries in any seaway in which battles could be fought.

Before leaving this subject of broadside gun heights, however, it may be just as well to state that the magazine critic appears to confuse "gun heights" and "deck heights;" otherwise it is incomprehensible why he should reduce the broadside gun heights of nearly all the battle ships of the Atlantic fleet by about 4 feet, the heights of axes of the broadside guns of the majority of our battle ships being *about 15 feet,* instead of *11 feet* above the designed load water line of the vessel.

Again, this imaginative critic informs us that—

"The broadside guns of foreign battle ships and cruisers are, generally speaking, twice as high as ours, and many of them are three times as high."

This is truly a remarkable statement, and is wholly without truth even as regards the "high freeboard" French ships. As previously stated, the heights of the axes of the lowest broadside guns of nearly all British battle ships are about the same as those of the United States battle ships; those of the Japanese, slightly lower; those of corresponding guns on some of the later French battle ships, *even lower* still. As previously noted, however, in certain of his very broad generalities, this magazine critic is apt to speak of the "French type" of battle ship as representing the rest of the world. In this instance, however, he quite oversteps himself even with respect to *French battle ships,* since the *Republique,* one of the latest design of French battle ships in commission, has four of her broadside guns nearer the water than any broadside guns of any battle ship in the United States Navy, and the next higher tier of broadside guns is *only 5 feet* higher than the *lowest* broadside 5-inch or 6-inch guns of our battle ships. So that, instead of being three times higher, which would make them more than *42 feet above* the *water line,* they are, in fact, only *about 19 feet above* the *designed load water line.* This is only another indication of this critic's utter unreliability even as to data which is susceptible of easy verification.

The critic next proceeds to contrast the speed of the vessels of other navies with that of vessels of the United States Navy. The determination of the most suitable speed to be provided for any given type of battle ship is a question which has always involved much difference of opinion, and the speed finally decided upon is usually a compromise. The most suitable speed for battle ships is therefore hardly a suitable subject for discussion in a report of this kind. As usual, however, the critic's statements are *general* and *inaccurate,* even when they do not relate to the particular question at issue, for his next statement applies rather to *freeboard* than to *speed.* The critic says:

"In only fairly heavy seas, while the French and Japanese could be using their entire batteries, our forward turrets and three-quarters of our windward broadside guns would be heavily handicapped, if not quite useless."

Some of the guns on the French battle ships, we know, have high emplacements; *others* have unusually low locations. As for the Japanese, their battle ships, with the sole exception of those refitted since their capture from the Russians, have their guns at about the same height above the water line, etc., as guns similarly situated in battle ships of the United States Navy, with the *advantage* on the side of the United States ships, as already noted.

The critic next tells us that the defects above noted have long been known to the Navy Department, etc. He also makes the specific statement that—

"In 1903, after our last type of battle ship, the *Connecticut,* was established, the *Idaho* and *Mississippi* were proposed, with forward decks 16 feet high and after decks only 9."

It is presumed that the critic intended to convey the impression that the forward upper deck of the *Idaho* and *Mississippi* was 16 feet above the water line, and the after upper deck only 9 feet. The fact is that the forward upper deck of the *Idaho* and *Mississippi* is *19 feet 3 inches* above the designed load water line, and the after upper deck more than *11 feet* above the designed load water line. Although much shorter vessels than the *Connecticut class,* and with 1 knot less designed speed, the *Idaho* and *Mississippi* have *only 9 inches less freeboard abreast their forward turrets* than the *Connecticut,* and, in proportion to their displacement, have a much more powerful armament, and equally efficient armor protection. The Chief Constructor therefore dissents entirely from the critic's dictum that—

"The building of these ships, in face of the knowledge of what their lowering upon the water meant, was preposterous."

The designed freeboard of the *South Carolina* class, which the critic describes as "our semi-*Dreadnoughts,*" is 19 feet 6 inches, instead of 18 feet, as stated by the writer. The freeboard of these vessels is only 1 foot less than that of the *Connecticut* class, is *greater* than *that* of *Admiral Togo's flagship,* the *Mikasa,* is *greater* than *that* of the *Iowa,* whose *freeboard* was *highly commended* by the *General Board* in *1903,* and is about *the same* as *that* of the *Royal Sovereign class* and the *majority* of *British battle ships,* whose *seaworthy qualities, ability to fight their guns under all conditions of weather, etc., have never been seriously questioned.*

The writer's next statement is probably the most inexplicable of a large number of false or misleading statements. Referring to our last-designed 20,000-ton battle ship, he says:

"And these latest ships were given a proper freeboard only after special pressure from the President of the United States. On this point, again, the Navy itself refused to change its policy."

This is a definite and unequivocal statement concerning the official acts of at least two officials. So far as it concerns the work of the Chief Constructor in connection with any designs of ships which have been produced during the past four years, it is wholly false. The freeboard of the *Delaware* and *North Dakota* was determined in a rational and logical manner in conformity with the fundamental principles governing the design of vessels of that size and character and without suggestion or compulsion from any one. Since the *Delaware* class have much greater length than any previously-designed battle ships of the United States Navy, and since, in order to obtain the high speed required, the extremities of the under-water body of these vessels are unusually fine for battle ships, and, therefore, have less buoyancy, it was imperative, in view of the concentration of heavy weights comparatively near the extremities of the vessels, to give much greater freeboard forward to vessels of the *Delaware* class than had been previously given to vessels of the *Connecticut* class, in order to preserve the same relative degree of seaworthiness when *traveling* at *high speed in a seaway.* As already fully explained, however, this was a natural development for this type of vessel and did not in the slightest degree discredit the designs of the battle ships which had gone before.

The Chief Constructor has taken great pains to dispose in detail of the sensational allegations of this magazine writer with respect to those questions which directly affect work under the cognizance of the Bureau of Construction and Repair, and especially the vital questions of *freeboard, height of gun axes,* and *water-line armor protection.* The allegations of the critic with respect to matters in which the Bureau of Construction and Repair is only *incidentally* concerned are almost as *sensational* or *misleading* as those relating to matters for which the Bureau is *directly* responsible. To effectually dispose of the majority of these allegations would be a comparatively simple task; but inasmuch as this report has already extended itself to an unusual length, the Chief Constructor hardly feels warranted in covering ground which has already been covered, in all probability, by his colleague, Rear-Admiral George A. Converse, United States Navy, retired, whose report is under-

stood to cover all matters relating to the Bureau of Ordnance, as well as those relating to personnel, drill, organization of the fleet, etc.

Moreover, many of the writer's misleading statements with respect to superstructure-armor protection, size of gun ports, protection of crew, type of ammunition hoists, etc., have been treated at some length by the Chief Constructor in his recent testimony before the House Naval Committee, a copy of which will be filed with this report as soon as received from the printer. For a gentleman who claims "a closer seagoing acquaintance" with the American Navy "than any other civilian possesses" the writer evinces a most unwarranted tendency to indulge in loose, irresponsible, misleading, or false statements concerning matters with which he should have definite knowledge if his ten years' familiarity with the Navy have been devoted to earnest and even passably intelligent study of its matériel in comparison with that of foreign navies. His apparently unsatiable desire for sensation at any cost leads him to make statements which, upon their very face, are too absurd for serious consideration. A few conspicuous instances of this must suffice.

The critic states in his article, referring to the *Kearsarge* and *Kentucky*, that—

"The openings above and below the guns in the turrets of these vessels are 10 feet square."

If this were true, practically the entire "port plates" of the 13-inch turrets of these vessels would have to be removed. The mere publication of a statement of this nature leaves the author open to an accusation of ignorance, gross carelessness, or malicious misrepresentation.

Again, this writer says:

"The mechanism for furnishing ammunition to the crews of the medium guns can give them only from one-fifth to one-third the amount that they can fire."

The rate of ammunition supply now provided for the main and secondary battery guns of nearly all of our battle ships is such that if the battery is served at the maximum possible rate of supply of the ammunition hoists, the *magazines* would be *emptied in* considerably *less than an hour*. It has been reported—and there is no good reason to doubt the accuracy of this report—that after five hours' fighting, during the first day's battle of the Sea of Japan, the Japanese fleet was still well supplied with ammunition. Reports indicate, also, that the number of rounds of ammunition per gun for battle ships of the United States fleet is not inferior to that provided for vessels of the Japanese navy. So that, if the critic really meant what he said, it would necessitate a rate of ammunition supply which would permit a *rapidity* of *fire* more than *twenty-five times* as *great* as the average *found practicable* by the *Japanese fleet* in the *battle* of *the Sea of Japan*, and would *empty* the *magazines* in *less than ten minutes*, if the entire battery were engaged. The *effect* upon both *matériel* and *personnel* of the *ship maintaining* this *rate* of *fire* would probably be nearly as *disastrous* as *that produced* by the *projectiles themselves* upon the *enemy's ship*.

In view of the grave misrepresentations which have been made, not only in the article now under consideration, but in the public press generally, brief allusion will be made to those criticisms which deal with that most important subject—turret ammunition hoists.

In making reference to what he styles "the open shaft to the magazine," the critic makes the following statement:

"Never, since the use of powder upon fighting ships, has there been such danger to the magazines as exists in every battle ship and armored cruiser in the American fleet. It is a first principle, recognized even in the days of wooden frigates, that powder must not be passed directly up to the gun deck through a vertical shaft. Primitive common sense demands that there must be no passageway straight down from the fire of the guns on the fighting deck to the magazines. The open turret of the United States battle ship is the only violation of this principle in the practice of the world."

The first sentence of the above quotation is wholly and unwarrantably untrue, if we are to accept the positive statements of ordnance experts who have given this matter serious attention. In the first place, the type of turret ammunition hoists in service in the United States Navy was developed by ordnance officers of conspicuous ability and knowledge of their profession. Among the chiefs of Bureau of Ordnance during the time that this type of ammunition hoist was being generally installed in the turrets of our battle ships and armored cruisers were:

Rear-Admiral Montgomery Sicard, who was subsequently commander in chief of the Atlantic fleet.

Rear-Admiral William T. Sampson, who was subsequently commander in chief of the American naval forces in the Atlantic Ocean during the war with Spain.

Rear-Admiral William M. Folger, who was subsequently commander in chief of our fleet in Asiatic waters.

Rear-Admiral Charles O'Neil, who for seven years was Chief of the Bureau of Ordnance.

Associated with the above-noted distinguished officers were officers who had the complete confidence of their colleagues in the Navy and who were themselves subsequently in charge of some of the very turrets whose ammunition hoists are now alleged to be so very deadly and inexcusable. As a matter of fact, upon no single question connected with battle ship design does there appear to have been greater misunderstanding than there has been with respect to the relative safety of different types of ammunition hoists. There is the best possible authority for the statement that, as regards safety, the present United States type of turret ammunition hoist, with automatic shutters, is as safe as the two-stage type of ammunition hoist under the condition of greatest rapidity of service in action. Ordnance experts of unquestioned ability and experience have stated most positively that the real advantage of the two-stage hoist is that of greater rapidity of ammunition supply and not increased safety, since the increased rapidity of supply of ammunition can only be attained by having an auxiliary supply of ammunition in what may be termed the upper handling room, or else permitting several charges to be in transit from the magazine to the turret chamber at the same time. Moreover, the use of two independent small-chamber trunks for the two ammunition hoists increases the chance of explosive ignition of ammunition in transit from the magazine to the turret chamber should such charges be ignited by burning grains of powder or otherwise while in the tube, since the ignition of powder in a confined space is almost certain to cause dangerously high pressures, whereas the ignition of the same powder in a large *unconfined* space would result in less rapid combustion and comparatively low pressures.

It must not be forgotten that in the turret ammunition hoists of United States battle ships the car is loaded in a magazine handling room which is wholly separated from the magazines themselves by water-tight doors. These water-tight doors have in them scuttles with automatic flaps, the ammunition being passed from the magazine through the scuttles into the handling room. There is no necessity for an accumulation of powder in the handling room, and there are stringent regulations to provide against such an accumulation. There is, moreover, a platform shutting off the handling room from the upper part of the turret well. The ammunition car passes through this platform, automatic shutters closing the entrance as soon as the car has passed. As a matter of fact, the ignition in the turret chamber, on four separate occasions, of charges of powder, and on one of these occasions the ignition of a considerable quantity of powder in the handling room, without an explosion of the ammunition in the magazine resulting therefrom, would tend to indicate, *not* that the *magazines* were in *danger of explosion* from such a cause, but that they were *unusually immune*. The type of turret ammunition hoist in the United States Navy had nothing to do with the origin or causes of the ignition of the powder charges in the turret chamber on any of these occasions; nor will the substitution of a different type of hoist entirely remove the inevitable danger which must always exist in the handling of high explosives under target practice or battle conditions.

That every possible precaution will be taken to minimize these risks goes without saying, and I believe that the bureaus charged with such matters in the United States Navy have so far taken every possible precaution whose practicability and utility have been demonstrated.

I have excellent authority for the statement that *all* of the *turret ammunition* hoists of *armored cruisers* in the *British navy* lead direct from the magazine handling room to the turret chamber and *are not* of the *interrupted-hoist type*. Also that a large number of turret ammunition hoists on British battle ships are of the same *direct-hoist* type. The direct hoist is also in use on many French battle ships. I am informed that the essential difference between *British direct hoists* and *American direct hoists* is that in the British type there is a long tube leading from the magazine handling room to the turret chamber, open at the bottom, and having a suitable closure at the top; whereas in the American type of hoist the charge goes direct from the handling room to the turret chamber, this hoist having no circumscribing tube, there being instead an *intermediate platform* with automatic shutters, as previously described. In the opinion of some well-known ordnance experts, the use of the direct *tube*, as in the *English navy*, is no safer than that of the *American type* of *direct hoist* with *intermediate platform*, for reasons already stated.

The question now naturally arises, Why should there be any change in the turret ammunition hoists of American battle ships if the present hoist is satisfactory? An entirely satisfactory reply to such a question would involve a complete review of a large mass of official correspondence relating to ammunition hoists and extending over a period of many years. Briefly, however, it may be stated that there has apparently arisen, during the past few years, doubt as to the safety of the present type of ammunition hoists. This distrust is believed by some of those best qualified to judge to be wholly without foundation in fact. Those who have had any extended experience in the control of men, however, fully realize the serious results which might easily follow undue distrust of the safety of so important a mechanism as the turret ammunition hoist. The official records indicate that the two-stage type of hoist was directed to be installed in the turrets of all battle ships and armored cruisers of the United States Navy (other than the four last designed) as a direct result of the recommendation of a turret board appointed shortly after the accident in the turret of the *Georgia*, and that the Bureaus of Ordnance and Construction and Repair have acted in direct conformity with the Department's instructions approving the report of the board. It is also true that one of the seriously controlling features (so far as the Bureaus of Ordnance and Construction and Repair are concerned) in taking the preliminary steps to make this change in turret ammunition hoists was the recognition of the apparent distrust in which the present type of hoist was beginning to be held on account of the serious misrepresentations which had been made as to the safety of that type of hoist. Inasmuch, therefore, as the efficiency of any body of men is seriously impaired, if they honestly believe that the tools with which they are to work are at all unsafe, the Bureaus of Ordnance and Construction and Repair have been working together for some years past to make such modifications of ammunition hoists and turret arrangements as would meet all practicable requirements of both speed and safety.

Inasmuch as this subject will be fully treated in the report to be submitted by Rear-Admiral Converse, further comment will not be made, except to state that, judging by past experience, it is not at all beyond the possibility of rapid evolution of service sentiment in such matters that modifications may be made in the type of turret ammunition hoist now in service which will entirely meet the requirements of those who desire an increase in speed. If, however, the present hoists are modified so as to provide, in effect, a two-stage hoist, such modification, or the substitution of entirely new two-stage hoists, in the opinion of many ordnance experts, will not be productive of an increase of safety, but an increase of speed, unless speed is sacrificed to safety, an accomplishment hitherto found to be practically impossible under the intensely competitive conditions now prevailing with respect to target practice.

The strictures of the critic upon the bureau system of the Navy Department and bureau management of the Navy are severe, and if all of them had reasonable semblance of truth, would furnish just cause for alarm. A system, however, which has carried the Navy through three wars, and which directly superseded an administrative organization of the general character of the one now put forth as a "cure-all" for the alleged defects of the present bureau system, must surely have very definite merit. It can not, therefore, be lightly brushed aside to meet the views of the irresponsible critic whose comments upon our matériel have been proved to be so misleading and inaccurate. Moreover, it is not entirely apparent that experience as an artist and an author should adequately qualify a critic to express a really valuable opinion concerning the administration of so vast and complex an establishment as that of the Department of the Navy. A scheme for the effective reorganization of so important a branch of the public service might well tax the best efforts of those who have devoted to that subject years of study and have brought to its intelligent consideration the valuable experience of successful endeavor in similar lines of work; it obviously has no terrors, however, for either the naval or civil amateur in such matters. After an experience of more than four years as chief of one of the most important bureaus in the Navy Department, and an administrative experience of many years prior to his appointment as Chief of the Bureau of Construction and Repair, the Chief Constructor can say, without hesitation, that he knows of no branch of the public service which has more earnest, loyal, and devoted servants than has the Department of the Navy in the present

heads of its various bureaus and offices. Faults of administration there doubtless are, and the bureau system may not be in all respects ideal; but all forms of corporate or governmental administration have their defects, and, all things considered, I believe the underlying principles which governed the original establishment of the present bureau system are as sound to-day as they were when Congress authorized the establishment of the Bureaus more than sixty years ago.

Moreover, after actual experience of the practical workings of such a system, I have no doubt whatever that, for direct administrative responsibility it is, as a system, one of the best that can be devised, and that with the further development of certain consolidations and changes in navy-yard administration, which are now being tentatively undertaken, the bureau system of the Navy Department can be made to give more effective results than any system of "board responsibility" ever devised.

The Chief Constructor's conclusions with respect to certain alleged defects in the battle ships of the United States Navy have been stated definitely as each subject was disposed of. It is therefore needless to do more, in conclusion, than make a positive general statement based upon the detail statements already given. It is therefore a privilege to be able to state that the *height of freeboard, height of gun axes, character of water-line armor protection, general type of turret ammunition hoists,* etc., of the ships of the United States Navy are such as have heretofore been embodied in many of the best "all-around" battle ships of which the Chief Constructor has knowledge, and they have been determined upon only after the most painstaking investigation and devoted attention to some of the most experienced and distinguished officers of the United States Navy, including those of the seagoing element as well as those of technical branches of the service. Also that *considering each vessel* in its *own period of design,* the *battle ships* of the *United States Navy compare most favorably* with those of the *most important foreign navies* and have been used by certain *foreign expert critics* as *standards which foreign designers should emulate.*

Comparison of vessels of the United States Navy with foreign vessels is not agreeable nor ordinarily desirable, but this must be regarded as an extraordinary occasion, since the public and a large section of our own service have been *misled* or *misinformed,* and *positive statements* of *fact and opinion* are necessary to remove these *false impressions.* The features of battle-ship design, which have been covered in the foregoing report, are among the most important with which the naval constructor and others responsible for the design of battle ships of our Navy have to deal. They are also, apparently the least understood and appreciated by those whose superficial knowledge of the general subject of ship design leads them to make rash, inaccurate, and unwarranted statements in relation thereto.

In preparing this report, the Chief Constructor has taken an unusual degree of pains to accumulate and prepare data which would be as reliable as the sources of information would permit. With respect to our own and certain foreign battle ships, it has been possible to give data with an unusual degree of accuracy; details with respect to the other typical foreign battle ships for which plans and tabular data have been prepared are the best available, the sole desire being to state the *facts* and let the *conclusions therefrom* be so plain that even the unwilling may be convinced. Moreover, in preparing this report and devoting so large an amount of personal attention to the collection and arrangement of data in relation thereto, the Chief Constructor has had in mind *not so much* the *refutation* of the *misstatements* of an *irresponsible magazine writer,* as the *removal* of an *erroneous impression from the mind* of *the public* at *large,* and *especially* to *correctly inform those whose naval training* and *professional association should already have afforded them more accurate knowledge of, and greater faith in,* the *matériel which may some day* be *under their command* in *time* of *war.*

The Chief Constructor is constrained to believe that there is among some of the personnel of our naval service an inexplicable amount of misinformation concerning the development of naval matériel in our own as well as in foreign services; also a complete failure to grasp the essential fact that all battle-ship design is necessarily a compromise, and that the undue development of one feature must necessarily be accomplished by sacrificing some other perhaps equally important feature. That there is grave misinformation as to real conditions with respect to naval matériel is unfortunately indicated by statements of magazine and other writers that the information upon which they have based their criticisms has been obtained from those who were in a position to have exact knowledge on the subject.

After due consideration and consultation with the Department, it has been deemed unnecessary to deal fully with this particular phase of the subject in a report of this kind. Some reference thereto, however, appears necessary in view of the very widespread impression that many of the most sweeping criticisms which have appeared in recent magazine and other articles had a certain amount of direct inspiration.

That those who are responsible for the design of battle ships in the United States Navy are not infallible, is readily conceded; that errors doubtless have been and will be made in some of the details of battle-ship design, may also be regarded as indisputable. This matter was, however, tersely disposed of by the Secretary of the Navy in his last annual report, page 33, in the following statement:

"Peculiarly fitted as are our ship designers for the work they have in hand, we have, nevertheless, in the past made some mistakes; but these, when discovered, have been promptly rectified. Such is the history of naval construction under foreign governments as well as our own. We have no monopoly of errors in warship designs. On the whole, I believe that the members of the construction corps of the United States Navy have greater opportunity for keeping in touch with the requirements of the fleet and the views of seagoing officers than is possessed by any similar corps in any other navy."

There is a tendency among many critics to compare the good points of the design of to-day with the comparative inferiority of the design of ten or more years ago. There is also, among all critics of naval matériel, a strong tendency to criticise some particular element of battle-ship design, without duly considering all the other elements which enter into the design of the vessel as a whole. It also often happens that each critic has his own particular ideas as to the relative value to be assigned to each essential element of battle-ship design, and if his individual views are not met, the design, as a whole, is, in his opinion, faulty.

The failure to consider, as a whole, all the elements which enter into the design of any particular battle ship, and the failure to properly inform themselves as to previous practice and the conditions under which any particular design has been developed, is one of the most fruitful sources of such unfavorable criticism as is made by critics in the naval service.

The majority of those who bring to the Department's attention their views concerning matters pertaining to the naval service are doubtless actuated by the highest motives, and some of them may really believe that they are doing a great public service in appearing to reveal and hold up to public condemnation alleged glaring defects in the battle ships of the United States Navy. Apparently it has never occurred to such insufficiently informed critics that they have no monopoly of professional knowledge, loyalty, and devotion to duty—qualities which, in the judgment of the Chief Constructor, are characteristic of the overwhelming majority of officers of the United States Navy. Neither do these critics appear to take time to consider that while they may possibly be accomplishing, in their own particular fields of labor, splendid results for which all officers are only too glad to accord them their full measure of praise—other officers, fully as devoted to their work, fully as loyal to the naval service as themselves, and possibly much more completely equipped as regards the particular professional work for which they have definite and very great responsibility, are giving their very best energies, in season and out, to the accomplishment of the one great thing which all right-thinking, right-minded, fair-dealing naval officers have in view, namely, the bringing to the highest possible state of efficiency the service in which they have all been trained from boyhood and which the large majority love so well that they will leave nothing undone to make it excel in all things and to defend it from its detractors.

So far as concerns criticism in general, it is always welcome when it is timely and well considered, since much good can and does result from the consideration of intelligent criticism of this kind. There are ample means, however, of bringing to the attention of the Department criticism either of the personnel or matériel of the naval service, and in the last annual report of the Chief Constructor there was set forth in great detail a history of battle-ship design in the United States Navy for the past ten years, with definite allusion to some of the most important criticisms that have been made and definite orders published by the Secretary of the Navy with a view to eliciting from officers in general intelligent criticism upon naval matériel. Reference was also made to some of the very unfortunate results which had followed the overruling of the opinion of the Department's responsible and trained designers in favor of the ill-considered and unwise recommendations of those whose training and experience in such matters were not so complete as that of the Department's official advisers.

That Bureau of the Navy Department of which I have the honor at the present time to be the chief does not *shrink from* but *courts* criticism; but in order that such criticism may be helpful and valuable it must come from *well-informed* and *experienced men* whose *sole desire* is to *improve* and not to *tear down,* and who are willing to set forth their views *in detail* with *definite reasons* for "*the faith that is in them.*" If, in the last analysis, those who have final and definite responsibility for results and whose knowledge and experience does not permit them to concur in the views of the critic—no matter how definite those views may be or how strongly or persistently expressed—rely upon their own best judgment, reinforced, it may be, by the unanimous concurrent opinion of their responsible official colleagues, the critic has no just right to insist that only he and his sympathizers are right and that all those who differ from them in opinion are wholly wrong, *especially* when the *subject under criticism* is one for which *others* and *not* the *critics* have *definite responsibility.* That they alone are right, however, appears to be the point of view of those whose opinions are not accepted, and their subsequent action must, in many instances, be prejudicial rather than beneficial to the naval service if we are to accept as true the statements of certain magazine and other writers that their articles are based upon information obtained from officers of the Navy.

In view of the foregoing, and in spite of the very great additional burden of work imposed upon the Chief Constructor, it has been a real privilege to join with his colleague, the president of the Board of Construction, in setting forth the *facts* concerning the matériel of the United States Navy. In doing so, the Chief Constructor is fully aware how great has been the *misrepresentation* as to such matters, how *far-reaching* may be the results, and, *ultimately,* how *disastrous* to *discipline* and *efficiency* of the *fleet itself* must be any *widespread dissemination* of *false* or *misleading statements concerning* our *naval matériel* unless such false impressions are promptly removed; for it is quite too much to expect that the *best work* can be *done either* by *commissioned* or *enlisted personnel* if they once become thoroughly imbued with the idea that the possible enemy has the "best" and our own service only the "worst" in naval matériel.

Those features of battle-ship design which have been covered by this report and which affect the design of the vessel as a whole, in matters directly under the cognizance of the Bureau of Construction and Repair, are height of *freeboard, gun height,* and *water-line armor distribution.* The detailed discussion of these features of United States battle ships in the foregoing report would appear to leave no doubt whatever as to the accuracy of the following conclusions:

First. That the height of freeboard of United States battle ships has been given the most careful consideration in every design of battle ship, and that the comparatively inferior freeboard of the three vessels of the *Indiana* class and the two vessels of the *Kearsarge* class was due, in part, to a literal compliance with the phraseology of the act making appropriation for those vessels and in part to a desire to obtain the greatest possible battery power and greatest possible battery and hull protection on the displacement finally decided upon. All other battle ships in the United States Navy, with the exception of those above noted, have ample freeboard for seaworthiness, and ample freeboard for the purpose of effectual service of the battery under all probable conditions of battle. Since freeboard in excess of that necessary for seaworthiness and the service of the battery is obtained at a distinct sacrifice of other important and essential qualities, the action of the responsible designers of the battle ships of the United States Navy has been fully justified by the results obtained. Moreover, a comparison of the freeboard of American battle ships with that of battle ships of the British and Japanese navies indicates that the responsible designers of these three navies have arrived at substantially identical conclusions in treating this very important element of battle-ship design.

Second. That the heights of gun axes on battle ships of the United States Navy are directly and most favorably comparable with the heights of gun axes on battle ships of the British and Japanese navies, and that such gun heights are entirely adequate for the effectual service of the battery under all probable conditions of weather during which naval actions are likely to take place. The most direct evidence in support of this statement is the effective work performed by the batteries of the Japanese battle ships during the battle of the Sea of Japan, it being noted in this connection that the heights of gun axes of the

battle ships of the Japanese fleet were slightly less than the heights of gun axes of nearly all battle ships of the United States Navy, with the exception of those of the *Kearsarge* and *Indiana* classes.

Third. That the water-line armor distribution on battle ships of the United States Navy has been made with due regard to the imperative necessity of giving adequate protection not only to vital elements of the vessel, such as machinery, boilers, and magazines, but also—and most important of all—to the stability of the vessel under battle conditions. The data contained in the text of this report, supplemented by the plans herewith forwarded as appendices, leave no possible room for doubt that the water-line armor distribution of battle ships of the United States Navy is in no sense inferior to that of similar protection on typical battle ships of the British and Japanese navies, and in many instances, as is clearly shown, is superior. Where the designs of battle ships of other navies have indicated a greater protection to the water line, such greater protection has inevitably been accompanied by serious sacrifices of other most important qualities, a sacrifice which, in the judgment of British, Japanese, and American designers, has been without justification.

Speaking, therefore, as one who has no responsibility, either direct or indirect, for the designs of battle ships now attached to the *Atlantic fleet*, but as one who has unusual opportunities to *know facts*, and who has, moreover, a keen appreciation of the responsibility inevitably attaching to such a statement made by him, the Chief Constructor desires to go fairly and squarely on record as stating that, *ship* for *ship*, in its *own period* of *design*, the *battle-ship fleet* of the *United States Navy compares most favorably* with that of *any other navy* in the *world*, and, *in the opinion* of *certain foreign* critics, is *superior* to *all* in *battery power and protection*, the two vitally essential elements in all battle ships. In making the foregoing statement the Chief Constructor earnestly desires to disclaim any boastful intent. As previously noted, comparisons of this kind are unpleasant and ordinarily undesirable, but there are times when they are necessary, and this appears to be one of them.

In conclusion, and by way of illustrating the fact that the United States Navy has no monopoly of unfair and unjust criticism and that there are in other countries individuals or cliques whose tendency is to criticize to destruction rather than to assist in upbuilding, and who evince an undue interest in and responsibility for the work for which others are legally responsible, I beg to submit and close with the following quotation from an article in a well-known and widely read British service publication of so recent a date as January 16, 1908:

"* * * The real danger to British naval supremacy at the present time lies not in the possession of fast battle ships nor in the superiority of the material of the fleet, but in the formation of cabals. Loyalty to their chiefs is what the nation expects and requires from its naval officers of all ranks; there can be no success in war without it. Some remarks penned by an officer of rank one hundred and twenty-odd years ago are not without point even at the present time. A certain Captain Cornewall, describing a 'straight talk' he had with his commander in chief, relates how he addressed him in the following remarkable words: 'By what power I can not say, but from the effects of that power he (the second in command) has drawn over to himself a party of at least half of the officers under your command; these are trained up in discontent, and, perhaps, I don't go too far if I say, in open contempt of every resolution sent from the Admiralty.'

"There is a lot to be learned from naval history, if we can only interpret its lessons aright. And the first and last lesson to learn is loyalty to the chiefs, whether at the Admiralty, on shore, or in command afloat."

Very respectfully,

W. L. CAPPS,
Chief Constructor U. S. N., Chief of Bureau.

The SECRETARY OF THE NAVY.

Mr. HALE. Now, Mr. President, in addition to that I present appendices 11 and 12 to accompany the report of Rear-Admiral Capps of February 14, 1908. I do not ask that that be printed in the RECORD, but that it be printed with the report of Admiral Capps as a part of the Senate document.

The VICE-PRESIDENT. Is there objection to the request of the Senator from Maine? The Chair hears none, and it is so ordered.

Mr. HALE. I also ask that 500 additional copies of each of these documents be printed for the use of the Senate.

The VICE-PRESIDENT. Is there objection to the request of the Senator from Maine? The Chair hears none, and it is so ordered.

Mr. TELLER. Mr. President, I should like to suggest to the Senator from Maine that he incorporate all of these documents in one pamphlet, so that we shall have them all together in one document, which will be more convenient for reference.

Mr. HALE. I think, as it seems that each is distinctive, that it will be better to have them printed separately as presented, and, if at any time hereafter it is desired that they shall be printed together, as the Senator from Colorado [Mr. TELLER] suggests, they can be very easily printed in that form.

Mr. TILLMAN. Before the Senator takes his seat——

The VICE-PRESIDENT. Does the Senator from Maine yield to the Senator from South Carolina?

Mr. HALE. If the Senator will allow me a moment.

Mr. TILLMAN. Certainly.

Mr. HALE. The veteran Senator from Iowa [Mr. ALLISON] suggests that, in view of the public interest in this matter, I ask for the printing of a thousand extra copies instead of 500.

The VICE-PRESIDENT. Without objection, 1,000 extra copies of the documents referred to by the Senator from Maine will be printed.

Mr. TILLMAN. Before the Senator from Maine takes his seat, as he has been discussing naval affairs with a thorough knowledge and understanding, I will say there is one phase of the subject connected with the Navy as to which I should like to have some information, which perhaps he can give. On the 21st of January the Senator from Maine introduced a resolution, No. 77, which the Senate adopted, calling upon the Secretary of the Navy to send to the Senate a complete list of the line and staff officers of the Navy on duty in Washington, etc. The Senator no doubt recalls the subject. It is now nearly a month since that resolution was adopted; and as this is so simple and easy a performance on the part of the Department of the Navy, I should like to know if an answer has come, and if not, why not?

Mr. HALE. I will tell the Senator from South Carolina exactly. The reply to the resolution which the Senator has cited was sent to the Senate during my absence from Washington, something like a week ago. It was withdrawn for the purpose of correcting the proofs and has not yet been returned to the Senate. I am told that it will probably reach this body to-day or to-morrow. Whenever that does happen, I shall ask the Presiding Officer to refer such reply to the Committee on Naval Affairs. It will be a part of the investigation by the committee connected with the bill which is now before the committee.

SECOND-CLASS MAIL MATTER.

Mr. BACON. I ask that 5,000 additional copies of Senate Document No. 270 of this session be reprinted. It is a matter relating to the postal service and of very general interest.

Mr. GALLINGER. What is the title of the document?

The VICE-PRESIDENT. The Secretary will state the title of the document.

The SECRETARY. A letter from the Third Assistant Postmaster-General containing a discussion of the policy of the Post-Office Department regarding second-class mail matter, etc.

Mr. KEAN. I understand from the Senator from Georgia that the cost will be within the $500 limit.

Mr. BACON. My information is that it will be less than $200; in fact, my information is that 10,000 copies could be printed for $250. I do not know what proportion of that amount 5,000 copies would require.

The VICE-PRESIDENT. The Senator from Georgia asks that 5,000 additional copies of the document named by him be reprinted. Is there objection? The Chair hears none, and that order is made.

PERSONAL EXPLANATION.

The VICE-PRESIDENT. Is there further morning business?

Mr. TILLMAN. Mr. President——

The VICE-PRESIDENT. Does the Senator rise to morning business?

Mr. TILLMAN. I rise to a question of privilege, if that be in order.

The VICE-PRESIDENT. The Senator from South Carolina.

Mr. TILLMAN. Mr. President, in the last day or two I have had my attention called to a scheme of swindling in which my name is used rather unpleasantly and without the slightest warrant. I feel it of such importance that I want to give as wide publicity to it as possible, so as to stop the rascals from getting any more money.

I have in my hand a circular which has been sent to me from Connecticut, and I have letters from Virginia and from Wisconsin and one or two other States, all relating to the subject of land grants in Oregon, and mentioning this circular. The circular headed, "How to make $5,000 out of $200." In reading it I find that those responsible for it are using my activity here in calling attention to these land grants and endeavoring to have the Senate investigate and take action in regard to them to advertise a scheme to sell some of these railroad lands. In one place it is stated that "Senator TILLMAN takes eleven quarters," and in another place it is stated that the lawsuits to be instituted in order to recover these lands are promised to be pressed with great vigor, because I am behind them. As a matter of fact, I have not bought any land anywhere in the West nor undertaken to buy any. I have made some inquiries, as one naturally would in roaming through the West. I simply want the people of the country to be put on notice that this swindler at Portland has no warrant whatever for endeavoring to inveigle others into his game.

I have telephoned to the Post-Office Department to ask the official in charge of the fraud-order bureau to come down here so that I can present the evidence and endeavor to block this rascal as much as I can. I ask that the circular be printed in the RECORD in order to give it publicity.

The VICE-PRESIDENT. The Senator from South Carolina asks that the communication submitted by him be printed in the RECORD without reading. Is there objection? The Chair hears none, and it is so ordered.

The circular referred to is as follows:

[St. Paul and Pacific Timber Syndicate, 525 Chamber of Commerce Building, Portland, Oreg. Capital, $3,000,000. Bryan R. Dorr, President. Depositories, American National Bank, St. Paul; United States National Bank, Portlan. Phones, Main 8550; A 5580. Codes, Western Union, McMullen.]

FEBRUARY 5, 1908.

DIVIDEND NOTICE AND REPORT OF STOCKHOLDERS.

We are presenting herewith to our correspondents and stockholders an unusual opportunity to make a quick profit of about 2,500 per cent, if they are willing to act at once. All the particulars are contained in the circular inclosed, and I urge that you read it carefully.

A dividend of 10 per cent was paid on January 2 upon all the preferred stock which has been paid for and issued by December 16, 1907. This dividend was paid out of the earnings on the sale of timber bonds, of which we have an aggregate of nearly $20,000,000 for sale. Dividends are payable twice each year, and we hope materially to increase the dividend rate shortly, owing to the establishment of this Portland office and to the connections which we have formed in New York to represent us there.

During the financial stringency there was a temporary slump in the price of standing timber on the coast, but with the recovery of confidence lumber camps are reopening everywhere and shipments by rail and water are daily increasing in volume. Meanwhile the temporary lower level in timber prices will enable us, being on the spot with ready cash, to secure bargains which will seem absurd six months from now. The large syndicates forming the so-called "lumber trust" are buying as fast as money can be secured and timber located. From this office we shall buy and sell timber and timber bonds, and shall in a few weeks commence the cutting of logs. Our New York representative will be Mr. Clarence M. Smith, of 74 Broadway, banker and broker, and we are very fortunate in securing a firm of such reputation and standing.

Remember, I told you I intended to make a great success of this business. Now, I am going to do it. In fact, I am doing it. Since coming out here, I have become convinced that our opportunity is absolutely unlimited. People all over the world are realizing that when the Panama Canal is completed and the wonderful lumber of the Pacific coast, with its Port Orford cedar, sugar pine, and Douglas fir, can be delivered in New York by sailing vessel at low cost and in reasonably short time the price of this stumpage will be higher than it is now in the Central States. In Minnesota mixed stumpage sells at from $10 to $13 per 1,000 feet, and the price for better timber here now is about $2 per thousand. If you can buy timber now, by all means buy it! We have dozens of bargains on our list, costing from $2,000 up per quarter section. Otherwise, by all means take some of the preferred stock in this corporation at $100 for each 100 shares, payable at the rate of 10 per cent down and 5 per cent per month.

Or take up the opportunity offered in the inclosed circular. Read it carefully every word, and wire us at once.

Very truly, yours,

BRYAN R. DORR, *President.*

[St. Paul and Pacific Timber Syndicate, 525 Chamber of Commerce Building, Portland, Oreg. Capital, $3,000,000. Bryan R. Dorr, President. Depositories, American National Bank, St. Paul; United States National Bank, Portland. Phones, Main 8550; A 5580. Codes, Western Union, McMullen.]

HOW TO MAKE $5,000 OUT OF $200.

To Our Stockholders and Correspondents:

I have just unearthed an opportunity whereby each of my correspondents can obtain a quarter section of the most valuable timber on the Pacific coast with an initial expenditure of $200. This timber is located in Coos and Douglas counties, Oregon, close to tide water, and each quarter section of 160 acres is valued at $5,000 to $15,000 on a very conservative basis. The particulars, including a tale of gigantic greed on the part of the notorious timber thieves, grafters, and land grabbers of Oregon, are as follows:

Shortly after the civil war the United States Government found it necessary to construct a military wagon road from Coos Bay to Roseburg, in Oregon. In order to obtain a builder for this road they agreed to turn over more than 100,000 acres of the finest Government timber land to the State of Oregon, for the Coos Bay Wagon Road Company, on condition that the land should be sold to *any one person* in quantities of not greater than one quarter section (160 acres) and for a price not exceeding $2.50 per acre. Therefore, in order to make the cost of the road fall upon those persons living along the road and receiving the benefit of its construction, the Congress of the United States, at the session beginning on the 7th day of December, 1868, passed an act donating land to the State of Oregon, which act is hereby set forth, to wit:

COOS BAY WAGON ROAD GRANT.

"An act granting land to the State of Oregon to aid in the construction of a military wagon road from the navigable waters of Coos Bay to Roseburg, in said State.

"*Be it enacted, etc.*, That there be, and hereby is, granted to the State of Oregon, to aid in the contruction of a military wagon road from navigable waters of Coos Bay to Roseburg, alternate sections of public lands, designated by odd numbers, to the extent of three sections in width on each side of said road: *Provided*, That the lands hereby granted shall be exclusively applied to the construction of said road, and to no other purposes, and shall be disposed of only as the work progresses.

"*Provided further*, That the grant of lands hereby made shall be upon the condition that the lands shall be sold to any one person in quantities not greater than one quarter section, and for a price not exceeding $2.50 per acre.

"*And be it further enacted*, That said road shall be constructed with gradation and bridge so as to permit its regular use as a wagon road, and in such other special manner as the State of Oregon may prescribe.

"*And be it further enacted*, That the United States surveyor-general for the district of Oregon shall cause said lands so granted to be surveyed at the earliest practical period after the State shall have enacted the necessary legislation to carry this act into effect."

Shortly after the legislature of the State of Oregon confirmed this grant on the same terms to the Coos Bay Wagon Road Company, who in course of time did actually construct a very defective road between the points mentioned, and which exists to this day. However, they have steadily refused to dispose of this valuable timber to individual persons "in quantities not greater than one quarter section" to each, "and for a price not exceeding $2.50 per acre," nor for any other price. They did illegally and in direct violation of law, and for the purpose of evading it, transfer *all the lands in one lump* to the so-called "Southern Oregon Company"—that is, *presumably to themselves under another name*—and this corporation fraudulently holds this land to this very day in defiance of the law and the rights of the people under the grant.

THE PROSECUTION OF THE GRAFTERS.

But the day when this sort of knavery goes unpunished is at an end. No longer are State and nation sitting idly by while the people are being robbed of their birthright by the rapacity of corporations too large to be attacked by any single individual. Francis J. Heney, the great United States district attorney, has been sent out to prosecute the grafters and land thieves of California and Oregon on their own ground, and after having run Ruef and Schmitz to earth in San Francisco and uncovered gigantic steals in Oregon, securing wholesale convictions reaching even as high up as that of United States Senator Mitchell, is here in Portland now prosecuting a Government official for conspiracy with the land thieves to defraud the Government.

Realizing that the time to act has come and that only by concerted action can anything be accomplished, representative business men of Coos Bay, Portland, and elsewhere, including myself, have employed Reeder and Watkins, the leading attorneys of Marshfield, Coos County, Oreg., to make a legal tender for us of $2.50 per acre, or $400 per quarter section of 160 acres, to the Southern Oregon Company, and to take care of our interests there.

With each application they are offering to the duly authorized officials of the Southern Oregon Company, in the presence of witnesses, the sum of $400 for a certain specified quarter section. The corporation refuses this tender, thereby violating the terms of the grant and laying itself open to suit. There is no doubt in the minds of Messrs. Reeder and Watkins or ourselves as to the outcome of the suit, for the law is plain and has no mercy for grafters and land thieves nowadays.

SENATOR TILLMAN TAKES ELEVEN QUARTERS.

The illegal and outrageous robbery on the part of the Southern Oregon Company is notorious in this State, but until now it has been impossible to secure the necessary concerted action. That the right men are behind this movement will be appreciated at once when I state that among those who have spoken through our attorneys for a part of this land is *Senator Tillman of South Carolina, the leader of the Democratic party in the United States Senate*, a man who usually gets what he goes after. So sure is Senator TILLMAN of our success that he has subscribed and paid the necessary fees for a quarter section for himself and *ten other quarter sections for ten of his nearest relatives.*

WHAT THE OREGONIAN HAS TO SAY.

The Oregonian, the leading newspaper of Portland, Oreg., speaks as follows in a long article relative to this suit:

"It will be seen that there was no intention of allowing all the lands thus set apart to pass into the hands of one person or company. The act set up guards against creation of a land monopoly that has been created. The act of 1869 laid specific injunction on the trustees, which became a part of the land laws of the United States.

"In 1870 the legislature passed an act donating the land to the Coos Bay Wagon Road Company, under the conditions and limitations set forth in the act of Congress of the preceding year.

"Congress did not intend the road company to acquire all or any of the lands of the grant, for the State, in execution of the trust, 'shall sell the same to any one person only in quantities not greater than one quarter section.' It is contended in behalf of the State that the State could not grant the entire trust estate to the road company, for the latter could not be the party entitled to them. The parties entitled to them were individuals of a numerous class or the public. Consequently it is contended that the road company was excluded as the sole beneficiary entitled to the lands.

"Instead of selling the lands to individuals at $2.50 an acre, in tracts not larger than 160 acres to one purchaser, the Coos Bay Wagon Road Company transferred the title to the lands to the Southern Oregon Company, which refuses to sell to individuals, thus barring great areas from settlement.

"This is in violation of the act of Congress providing that 'anyone' might acquire the land by paying $2.50 an acre, the money to be devoted to building the road. The idea that one company or person could acquire all the lands is expressly negatived by the provision of the act of Congress limiting sales to 160 acres to any one person. Only by disposing of the lands to many persons could the trustee discharge the trust and relieve the lands of the trust imposed upon them."

YOU MAY JOIN US.

Now, we will allow you to join us in this proposition if you care to do so, and if you have read this circular carefully you surely will. You must act at once, as only about fifty quarters are left. Our terms are as follows:

TERMS.

You must pay a preliminary fee of $200 per quarter section. This includes cruising and locating fee, legal retainer fee to our attorneys, court and filing fees, and all other expenses incident to the prosecution. Upon receipt of your remittance we will instruct our attorneys as above to make application to purchase from the Southern Oregon Company the best quarter section not already spoken for, and will notify you at once, giving you the legal description of the tract and stating the amount of timber thereupon. We and our attorneys will do the rest. As soon as the suit is decided and the timber wrested from the hands of the land grafters, we will pay you in cash for your timber at the rate of $2 per thousand feet, amounting to, at least, $5,000 cash for each quarter section, or we will send you the deed upon payment of the specified sum of $400 ($2.50 per acre for 160 acres, as provided by law) plus a commission of 25 cents per thousand feet for the timber to which the St. Paul and Pacific Timber Syndicate will be entitled by right of negotiating these matters. Thus your $200 will obtain for you $5,000 in cash or, by the additional payment upon termination of the suit, as above, a deed to 160 acres of the finest timber land on the Pacific coast.

This timber consists of about 30 per cent white or Port Orford cedar and the balance Douglas fir. Port Orford cedar is the most valuable wood in Oregon, being used extensively for shipbuilding purposes and for match wood. Douglas fir is the most valuable all-purpose wood in North America. A full description of these two valuable woods may be found in the article "Lumbering in Oregon," pages 8 and 9, of the booklet The Richest Land in America, which was sent you some time ago. Suffice it to say that the ownership of one quarter section of this timber represents a tidy sum and that it increases in value with every year.

INSTRUCTIONS.

Simply sign your name in ink to the inclosed form entitled "application to purchase," *leaving all other spaces blank*, and return to us at once with your check for $200. Wire us without fail as soon as you have sent the money, in order that we may reserve you the very best timber not already spoken for.

QUESTIONS AND ANSWERS.

1. *Can I obtain more than one quarter section?* Answer: Not for *yourself*, but you can obtain extra quarter sections for any or each of your relatives or friends by the payment of $200 per quarter section. In that case, for each additional application cut out a piece of good white paper the same size and shape as the "Application to Purchase," and have the applicant sign in ink in the lower right-hand corner. We will fill in on the typewriter. Send $200 with each application and be sure to wire at once.

2. How long will it take to decide the suit? Answer: Can not say. It may take six months, but it will be pushed with the utmost vigor, of course, as it is greatly to our interest, including that of Senator TILLMAN and the other persons associated with us, to have it settled at once. The lawyers will do their best, for we have agreed to pay them an additional fee of $100 per quarter out of our commissions upon the successful termination of the suit.

3. Is it necessary for me to reside on this land? Answer: No. This grant has nothing to do with the "homestead" laws or the "stone and timber act," and any person is entitled to purchase 160 acres whether or not he has used his "homestead" and "stone and timber" rights. He need not even see the land.

4. What if the land is all spoken for by the time you receive my application? Answer: Then we return your money at once. You *must hurry, as there are only about fifty quarters left*, which we have reserved for our stockholders and correspondents. Therefore remit and wire at once to

BRYAN R. DORR, *President,*
525 Chamber of Commerce Building, Portland, Oreg.

Mr. FULTON. Mr. President, I have just seen the circular of which the Senator from South Carolina [Mr. TILLMAN] has spoken, and I think that another suggestion ought to be made in connection with what the Senator from South Carolina has said. In view of the fact that it appears that that circular, which is being sent broadcast throughout the country, by its terms invites people to send to this particular company $200, I think it is, and perhaps some additional fees, for which the company guarantees to secure them valuable tracts of timber land worth not less than from $5,000 up to $15,000—I say, in view of that, I think the statement ought to be put in the RECORD, so that it may go out to the public and be understood that the probability is very, very remote of private individuals being able to acquire this land in the manner suggested by this circular.

The scheme very evidently is for the company issuing the circular to accumulate a vast fund of money by dupes throughout the country sending it to them. They are advertising that these lands can be acquired because the Congressional grant contained a provision that the land should be sold to private individuals in quantities not to exceed 160 acres to each individual at $2.50 per acre. But the probability is that the courts will hold, whenever that question is presented, that no individual can take advantage of the provision, that the Government alone can enforce, by some proper method or some proper steps, the observance of this condition, and any suits brought by private individuals in all probability will fail.

Mr. LODGE. Where is this company?

Mr. TILLMAN. In Portland, Oreg. The circular is at the desk, and I would just as leave have it read as not, though it is rather long.

Mr. LODGE. I do not want it read. What is the name of the company, and where did the circular come from?

Mr. TILLMAN. The Secretary has the circular, and I will ask him to read the name of the company. It is some land syndicate.

The Secretary read as follows:

St. Paul and Pacific Timber Syndicate, 525 Chamber of Commerce Building, Portland, Oreg.

Mr. FULTON. I think that is all I care to suggest in connection with the matter, Mr. President, but it ought to be known that this is a scheme to get money from unsuspecting persons out of misrepresentation and fraud.

Mr. TILLMAN. I will suggest to the Senator from Oregon, while he is on his feet, that this is another reason why the joint resolution reported on by the Judiciary Committee on yesterday should be passed as speedily as possible.

Mr. FULTON. I want, Mr. President, to ask permission to have that joint resolution taken up and passed; but I see the Senator from Rhode Island [Mr. ALDRICH] is on his feet and perhaps has something else to suggest.

Mr. ALDRICH. I was about to say that the senior Senator from Alabama [Mr. JOHNSTON] desires to speak this morning on the financial bill. I am aware that the shipping bill has been made the special order by unanimous consent, and I should like to ask the Senator from New Hampshire [Mr. GALLINGER] whether it would be equally convenient for him to have that order continued until to-morrow, with the same rights, in order that the Senator from Alabama may go on this morning?

Mr. BAILEY. Mr. President, before the Senator from New Hampshire responds to that I should like, if agreeable to him, to have the special order postponed until some further date. The Senator from Georgia [Mr. CLAY] desires to be present when the bill is considered, and he is now confined to his room at his hotel sick, and it may be two or three days before he will be here.

Mr. GALLINGER. I will say, first, in response to the suggestion made by the Senator from Texas [Mr. BAILEY], that my only purpose was to make some preliminary observations in support of the bill, not to press for its immediate consideration, and I think that might well be done to-morrow if there is an opportunity.

Mr. BAILEY. Certainly.

Mr. GALLINGER. Mr. President, I will say to the Senator from Rhode Island [Mr. ALDRICH] that I will very gladly yield whatever privileges I may have to-day, if I can be granted unanimous consent for the bill to be taken up after the routine business to-morrow morning.

The VICE-PRESIDENT. The Senator from New Hampshire asks unanimous consent that the bill made the special order at the close of the routine morning business to-day may be taken up to-morrow after the routine morning business.

Mr. NELSON. What is the bill, Mr. President? I did not understand.

Mr. ALDRICH and Mr. LODGE. It is the shipping bill.

The VICE-PRESIDENT. It is Senate bill No. 28. Is there objection to the request of the Senator from New Hampshire?

Mr. BAILEY. Mr. President, of course I have no objection to the request. I simply want to understand the Senator, in order that I may report to the Senator from Georgia that there will be no effort to obtain a vote on this matter to-morrow.

Mr. GALLINGER. It is not at all my purpose to press the bill to a vote immediately, certainly not until the Senator from Georgia is present, because I understand the interest he has in the bill.

The VICE-PRESIDENT. Is there objection to the request of the Senator from New Hampshire? The Chair hears none, and it is so ordered.

GROUNDS FOR PUBLIC BUILDINGS IN THE DISTRICT OF COLUMBIA.

Mr. GALLINGER. Mr. President, yesterday I submitted a concurrent resolution calling for information as to the price of certain real estate in the District of Columbia which it is proposed shall be acquired by the Government, together with the price of the improvements thereon. The resolution went over. I now ask that it may lie on the table subject to call, as time is precious this morning.

The VICE-PRESIDENT. Without objection, it is so ordered.

INQUIRIES AS TO CERTAIN WESTERN LAND GRANTS.

Mr. FULTON. I ask consent, before the Senator from Alabama starts with his address, if it will not interfere with him too much, to call up and have considered Senate resolution No. 48, which was up yesterday morning. It has been printed, and I am satisfied that those who were objecting to it, having read it, will now consent to have it go through without discussion.

Mr. CULBERSON. Mr. President, in view of the wish of the Senator from Alabama, I must insist upon the regular order.

The VICE-PRESIDENT. Objection is made.

AMENDMENT OF NATIONAL BANKING LAWS.

Mr. ALDRICH. I ask that Senate bill 3023 be laid before the Senate.

There being no objection, the Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 3023) to amend the national banking laws.

Mr. JOHNSTON. I ask that my amendment to section 8 of the bill may be read.

The VICE-PRESIDENT. The Secretary will read as requested.

The SECRETARY. It is proposed to amend section 8 by striking out the first five lines and inserting in lieu thereof the following:

That on and after January 1, 1909, two-thirds of the reserve required by law to be held by national banking associations shall be kept in their vaults either in the funds now required by law or in bonds mentioned in this act: *Provided*, That not more than one-half of the reserve so required to be kept in the vaults of national banks shall be in such bonds.

Mr. JOHNSTON. Mr. President, we have had quite an interesting discussion as to what the reserve of a bank is and its uses and abuses. I quite agree with the views expressed by the two Senators from Texas and the Senator from Maryland [Mr. RAYNER] and the Senator from Idaho [Mr. HEYBURN] in their views; and I think they do not differ essentially from the views of the Senator from Rhode Island [Mr. ALDRICH]. It is true he limits the use of the reserve in paying depositors to an emergency; but I think the Senator will agree that when-

ever a depositor presents a check to a bank and demands payment, and the bank can not pay without using a part of its reserve, the emergency is then present, full grown and threatening. It seems to me that it would be absurd to say that the law in such a case presents two alternatives to the bank—one to refuse payment and commit an act which, if it were a State bank, would be an act of bankruptcy; and the other to pay out of its reserves and have the Comptroller appoint a receiver. Such an absurdity is certainly not contemplated, for the act expressly says that the impaired reserve must presently be made good. If a reserve can neither be loaned out nor used to pay depositors, it is the most illogical requirement imaginable. The only other purpose possible would be to hold it as a nest egg for the receiver of the bank to administer. If such be the purpose, it would be safer to require it to be deposited in the United States Treasury and remove all temptation to use it.

Mr. President, I have had some experience in banking, passing through the panic of 1893, and have some knowledge and information as to the use and abuse of reserves.

In and around the city where I live are many large manufacturing and mining plants, employing thousands of laborers. The pay rolls for these laborers require very large sums of money, running up to more than $1,000,000 a month, the pay days coming about the same time. If these, and all the banks similarly situated, were required to keep in their vaults these very large sums, wholly over and above their cash reserves, it would remove from business and circulation a vast amount of money, when the general experience shows that the money paid labor largely returns to the banks within a few days after it is paid out.

The 15 per cent reserve required by law is, in my judgment, sufficient, though banks in my section, both national and State, usually hold in their vaults and with reserve agents a larger amount; but I think the great error in the present law is that too much of this reserve may be, and is, deposited in banks a thousand miles from the home bank, and that too often in times of peril it is, to all intents and purposes, as useless to the home bank as if it were deposited in Japan or some other locality quite as remote from the operation of our laws. It would be better for the banks to "lay up their treasures in heaven, where neither moth nor rust doth corrupt, and where thieves do not break through nor steal," than to have it with reserve agents when a financial panic prevails.

It is this condition of affairs that I propose to improve by requiring a larger holding of reserve, actual or potential, in the vaults of the banks.

But before taking that subject up I want to present some tables showing the amount of deposits in national, State, and savings banks, trust companies, etc., and the insufficient amount of actual and potential currency held to meet these liabilities.

There was on deposit in all national banks December 3, 1907 (Secretary's Report, p. 124):

Due to other national banks	$708,919,278
Due to State banks and bankers	318,969,686
Due to trust companies and savings banks	323,321,475
Due to approved reserve agents	36,675,751
Dividends unpaid	1,155,144
A total of	1,389,041,334
And to individual depositors	4,176,873,717
Making a grand total of	5,565,914,051

The total of these deposits on the 23d of August, when business was normal throughout the United States, was $5,915,612,379, or nearly $350,000,000 more than on the 3d of December.

In this table I am including the balances due all banks and trust companies, to show the then total liabilities of these banks that could be demanded in cash.

There are few of us who have had any experience in banking who do not know that the first money to leave a bank when a financial storm is seen on the horizon is that due to other banks. They are the first of all depositors to call in balances due them from other banks. If not the most timid, they are the most active and alert of all depositors.

On December 3, 1907, the central and other reserve banks had deposits (Secretary's Report, p. 124):

	Central reserve.	Other reserve.
Due to other national banks	$390,537,202	$267,226,131
Due to State banks and bankers	129,010,754	122,700,245
Due to trust companies and savings banks	144,710,252	129,612,374
Due to approved reserve agents		26,553,716
Dividends unpaid	194,195	140,124
Making a total of	664,452,403	546,242,590
Due to individual depositors	783,216,778	937,450,963
A grand total of	1,447,669,181	1,483,693,553

So it appears that these reserve and central reserve banks then held an aggregate of—

Individual and bank deposits of	$2,931,354,734
Whilst all other national banks had	2,634,559,317
Making the total of	5,565,914,051

These two classes of banks, the reserve and central reserve banks, then owed other banks, bankers, and trust companies an aggregate of $1,210,461,174, exclusive of the amounts due individual depositors, and the actual cash on hand, according to the Comptroller's report (p. 7), including bills of other national banks, was $735,178,189.

If the banks and trust companies had attempted to withdraw their deposits from these reserve banks, there would not have been money sufficient to have paid them by more than $475,000,000, and there would have been not a dollar left for individual depositors.

The total deposits in all the national banks on August 22, 1907 (Comptroller's Report, pp. 6 and 7), including amounts due other national banks, trust companies, dividends unpaid, etc., were $5,915,612,379.

They held then in specie, legal tender, etc	$701,623,532
And in notes of other national banks	33,554,657
Total of all money held in vaults	735,178,189
And of this there were Government deposits of	143,282,293

The total reserve held for all these demand liabilities was about 12½ per cent in cash.

The average reserve of about 20 per cent would, if held in the vaults of the bank, have then required $1,242,278,599, or nearly $500,000,000 more than was then held by the banks in cash.

The deposits in all banks on August 23, 1907 (Comptroller's Report, p. 32), was—

In national banks	$5,915,612,379
In State banks, trust companies, etc., including $389,903,872 due to other banks	9,166,659,079
Total deposits of all banks, trust companies, etc	15,082,271,458
A reserve of 20 per cent would have required available cash of	3,016,454,291
Yet the Comptroller reports (p. 48) that the coin and all other money in the United States (1907) was	3,115,000,000
Of which there was in the United States Treasury as assets	342,000,000
Leaving available for all banks and the people	2,773,000,000

So there was not sufficient money in the United States, outside of the public Treasury, for all the banks, trust companies, and so forth, to have obtained a 20 per cent reserve.

I am assuming that the reserve we require of national banks is wise and prudent and certainly not too great, and that State banks will follow the judgment of Congress and the national bank act in holding their reserves the same as national banks; and I say if they had all been required to hold the reserve required by law of the national banks it would have required over $3,000,000,000.

I have mentioned these figures in order to show the condition of the banks and the amount of reserve required or the amount that might have been required.

I am going to address myself now to the amendment I have offered, which I think will improve very much the condition of the reserves.

The argument in favor of the amendment I propose has been ably presented by the Senator from Rhode Island [Mr. ALDRICH], but it finds no expression whatever in the bill reported by him. I have heard of men who favored a law, but were opposed to its enforcement. In this case the Senator seems to favor the law, but is opposed to its enactment. The Senator gives many reasons why banks should be required to invest in the bonds mentioned in the bill, but when we search the bill for some logical and apt statutory expression of the argument we do not find a single line or sentence of finished work.

I shall attempt to show that, if the Senator is correct in his premises, there should be some conclusions enacted into law.

The Senator says these securities, the bonds mentioned in the act, "would form a part of the bank's best assets and would constitute from every banking standpoint, a judicious investment;" that upon a demand for additional notes the bank could obtain for every $100,000 invested in bonds, $90,000 in emergency currency. He asks if it would be a hardship upon the banks to require them, if they desired to avail themselves of the privileges conferred by the bill, to hold to a limited extent this class of securties as part of their assets.

My amendment does not go so far as that. It puts no hardships upon any bank, because they are at liberty to keep the required 10 per cent of their deposits either wholly in money or part in money, and not more than half in these bonds.

The Senator proceeds to say:

The Congress, in my judgment, might properly, in the wise exercise of its supervisory control over the investment of national banks, require these institutions to invest a portion of their assets in these bonds without reference to their use as security for possible note issues or United States deposits, and that this requirement would be in the interest alike of the public and of stockholders.

The Senator seems decided in his opinion that this would be a wise and prudent thing to do, as it would be a protection to both the public and the banks themselves.

The next position taken by the Senator is still forward. He says:

There is no rule of sound banking more inexorable in its character, the violation of which is productive of more disastrous results, than that which requires a bank to hold a portion of its assets in first-class convertible securities, paying a reasonable income, and readily convertible into money.

And that—

Nearly all the destructive bank failures in our own and other countries can be traced directly to a violation of this rule.

Further on, growing more and more earnest and convincing, he says:

The national banks of the country hold reserves of specie and legal-tender money equal to little more than 10 per cent of their demand obligations.

And that—

Common prudence requires that this should be supplemented by a substantial invested reserve in first-class securities.

The evidence—

He says—

is overwhelming that prudent bank managers everywhere invest a considerable portion of their assets in securities of the class designated in the bill.

Now, conceding the argument of the Senator to be sound on this question, it may be summarized briefly thus:

1. The bonds mentioned in the bill would form a part of the banks' best assets, and from every banking standpoint would constitute a judicious investment.
2. That it would be no hardship on the banks to require them to hold, to a limited extent, these bonds as a part of their assets.
3. That Congress, in the wise exercise of its supervisory control over the investment of national banks, might properly require them to invest a portion of their assets in these bonds without reference to their use as security for possible note issues or to cover United States deposits.
4. That this requirement would be in the interest of the public and of stockholders.
5. That the failure to invest a portion of their assets in such securities violates an inexorable rule, the violation of which is most disastrous in its results and to which can be traced nearly all the destructive bank failures in our own and other countries.
6. That common prudence requires that the money reserves should be supplemented by a substantial invested reserve in first-class securities, such as those named in the bill.
7. That the evidence is overwhelming that prudent bank managers everywhere invest a considerable portion of their assets in securities of the class designated in the bill.

Now, it seems to me, Mr. President, that if the Congress has the supervisory power over investments of national banks, which seems not to be questioned; if *prudent* bank managers *everywhere always* invest in such bonds; if the failure to do this causes nearly all the disastrous bank failures in our own and other countries; if this requirement would be in the interest of the public and stockholders alike; if these bonds would form part of the bank's assets, and it would be no hardship on the banks to require this of them; if all this cornucopia of good, wise, and prudent results can be given by Congress to the banks with benefit to the public and security to the banks, why is no provision found in the bill to carry them into effect?

That is the reason I am offering this amendment. I am agreeing with the distinguished Senator in much that he says as to the prudence and wisdom of this investment, and yet the amendment I propose does not go so far as his argument legitimately carries the Senator. He walks up to the river, says that it is much safer for himself and the public to be on the other side; that the passage is free from obstruction or danger; has been often made and always with safety; that it is perilous to remain on the bank he occupies, and yet he refuses to step into the stream and wade across to security and prosperity. Possibly he is waiting for some Democratic Moses to divide the waters so that he can pass over dry-shod. My amendment requires national banks, all national banks, whether reserve or not, to keep in their vaults two-thirds of their reserves, either in specie or legal tender, or one-half of that two-thirds in money and the other half in the very bonds that the Senator says will constitute the best assets of the bank. It is the first step in a programme so heartily commended and so strongly put by the chairman of the Finance Committee.

It has been said that this investment in bonds would reduce the amount of the money reserves of the bank, and hence be of no service whatever in strengthening their position; that if a bank invested 5 per cent of its deposits in these bonds it could only use the bonds in an emergency to get 90 per cent of these bonds in the emergency currency, and that the last state of the bank would be worse than the first.

This might be true if the banks had to ship their currency to some distant point to acquire these bonds, but the class of bonds mentioned in the bill, State, county, and municipal, are found in every State, and much of the money paid for them would find its way back into the vaults of the banks, and, incidentally, the interest paid on these bonds would remain at home.

Another advantage this amendment would secure is that in times of panic the banks holding these bonds could quickly secure emergency notes and meet demands of their customers. Under the present law national banks not in reserve cities are required to keep only 6 per cent of their deposits in money in their vaults, 9 per cent being authorized to be held in reserve banks. If there is anything more intangible than a deposit in a reserve bank in time of panic, I have yet to know it. You may call spirits from the vasty deep and get a response as readily as you can get money from a reserve agent in times of financial distress; so that this investment of 5 per cent in these bonds as part of a reserve, another 5 per cent being in legal-tender money, would nearly double the money assets of a bank when most needed as compared with present requirements. The difference to the nonreserve banks between holding 6 per cent in cash, as now required, and 10 per cent in cash and bonds available for circulation, would be practically the difference between one hundred and forty-eight millions and about two hundred and fifty millions, as the deposits in these banks were, as heretofore stated, $2,634,559,317.

On the 31st of January last the President of the United States sent to Congress a message—in many respects a remarkable message—one that should command our attention, but one that I think was received by many in this Chamber with less enthusiasm than that exhibited in another Chamber not far distant. For fear that Senators on the other side have forgotten some portions of this message, I desire to read an extract.

The President said:

I do not know whether it is possible, but if possible, it is certainly desirable that in connection with measures to restrain stock watering and overcapitalization there should be measures taken to prevent at least the grosser forms of gambling in securities and commodities, such as making large sales of what men do not possess and "cornering" the market. Legitimate purchases of commodities and of stocks and securities for investment have no connection whatever with purchases of stocks or other securities or commodities on a margin for speculative and gambling purposes. There is no moral difference between gambling at cards, or in lotteries, or on the race track, and gambling in the stock market. One method is just as pernicious to the body politic as the other in kind, and in degree the evil worked is far greater.

Now, if this amendment is adopted, it is my opinion that the reduction of the amount that may be deposited in reserve banks from 9 to 5 per cent of deposits, and requiring these banks to hold two-thirds of their reserves in money, or money and bonds, in their vaults, would reduce the congestion of money in the great money centers by more than $100,000,000, so far as interior banks alone are concerned, and to that extent reduce the volume of money largely employed in speculative ventures. The reduction in volume of currency at any given point strikes the speculator or gambler, as the President calls him, the first blow. So that this amendment is in line with the recommendation sent to us by the President.

I think the amendment I have suggested is much better than the provision contained in the original bill, for if all national banks should be required to keep 10 per cent of their deposits in legal tender in their vaults it would require a very large increase in the amount of money locked up in banks, not available for loans and discounts, whilst the investment of half that amount in bonds, as authorized by the amendment to the bill, would give equal safety and better returns to the banks. The interest on the bonds so held would give a larger return to the bank holding them than any reserve agent could or should be allowed to pay as interest on balances subject to check. I am glad that the Senator from Maryland [Mr. RAYNER] approves this amendment.

I have heard it said here that the bill presented by the committee was predestinated and foreordained to pass just as it came to the Senate with such amendments as may be suggested by the committee. I think an emergency bill should be passed; I think the potentiality of such a bill would largely prevent panics. I want the very best bill I can get, and I am not without hope that any amendment that will benefit the people, restore confidence, strengthen the security of banks and confidence in them, and tend to prevent a recurrence of the loss and suffering that the recent panic caused will address itself to the patriotic consideration of every Senator, no matter from which side of this Chamber the suggestion may come.

I may be mistaken. I trust I am not.

Mr. OWEN. Mr. President, I give notice that at 2 o'clock on next Tuesday I should like to speak on the pending bill.

The PRESIDING OFFICER (Mr. DIXON in the chair). The Calendar, under Rule VIII, is now in order. The Secretary will report the first bill on the Calendar.

BILLS PASSED OVER.

The first business on the Calendar was the joint resolution (S. R. 35) to provide for a mining technology branch in the Geological Survey.

Mr. HOPKINS. I ask that the joint resolution be passed over.

The PRESIDING OFFICER. The joint resolution will go over without prejudice at the suggestion of the Senator from Illinois.

The bill (S. 4030) to fix the pay of the Army was announced as next in order.

Mr. HOPKINS. I think the bill ought to be passed over.

The PRESIDING OFFICER. The bill will go over without prejudice at the suggestion of the Senator from Illinois.

The bill (S. 3976) to authorize and require the Philadelphia, Baltimore and Washington Railroad Company to maintain and operate a track connection with the United States navy-yard in the city of Washington, D. C., was announced as next in order.

The PRESIDING OFFICER. The bill has been heretofore read and the amendments agreed to.

Mr. HOPKINS. Is there a report accompanying the bill?

The PRESIDING OFFICER. A motion to reconsider is pending.

Mr. CULLOM. I think it had better not be taken up at this time.

The PRESIDING OFFICER. The bill will go over at the suggestion of the Senator from Illinois.

Mr. CARTER. It is pending on a motion to reconsider, made by the Senator from New Hampshire [Mr. GALLINGER], who is not present. I think the measure is to go over that some parties may be heard.

The PRESIDING OFFICER. The bill goes over.

The bill (S. 2695) to amend the act of Congress approved March 3, 1875, entitled "An act to determine the jurisdiction of circuit courts of the United States and to regulate the removal of causes from State courts, and for other purposes," and the acts amendatory thereof, was announced as next in order.

Mr. TELLER. The Senator who reported the bill is not here and the chairman of the committee is not here. I think it had better go over.

The PRESIDING OFFICER. The bill will go over at the suggestion of the Senator from Colorado.

The bill (S. 4132) creating an additional land district in the State of South Dakota was announced as next in order.

Mr. BRANDEGEE. I ask that the bill may go over.

The PRESIDING OFFICER. At the suggestion of the Senator from Connecticut the bill will go over without prejudice.

THREE TREE POINT MILITARY RESERVATION, WASH.

The bill (S. 626) authorizing and empowering the Secretary of War to locate a right of way for and granting the same and a right to operate and maintain a line of railroad through the Three Tree Point Military Reservation, in the State of Washington, to the Grays Harbor and Columbia River Railway Company, its successors and assigns, was announced as next in order.

Mr. HOPKINS. In the absence of the Senator from Washington [Mr. PILES]——

Mr. PILES. I am here, and I want to have the bill passed.

Mr. HOPKINS. I beg pardon. I did not see the Senator from Washington. He was not in his seat. The Senator is present, and I withdraw the objection.

The Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Military Affairs with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of War may authorize the Grays Harbor and Columbia River Railway Company to build a railroad and telegraph line through the Three Tree Point Military Reservation on Columbia River, and to that end may set aside for occupancy by said Grays Harbor and Columbia River Railway Company such ground, and no more, as is actually required for the necessary track, embankments, or trestles: *Provided*, That the ground so occupied shall remain the property of the United States, under such police and other military control as the military authorities may deem it necessary to exercise: *Provided further*, That the said railway company shall compensate the United States for all timber that may be cut and shall pay such reasonable annual rental for such right of way as may be fixed by the Secretary of War: *Provided further*, That the location and grade of said railroad and other details of construction within the limits of the reservation, also all matters pertaining to the operation and maintenance of said railroad, shall be under such regulations as the Secretary of War may deem it advisable to establish in the interest of the military service and as a safeguard against fire to Government timber lands: *Provided further*, That nothing in this act shall be construed as authorizing the use of any portion of the reservation as a borrow pit for fills and embankments, unless specially authorized so to do by the Secretary of War and upon the payment of such compensation as may be fixed by him.

SEC. 2. That this act shall be null and void if actual construction of the road be not commenced within two years from date of approval hereof.

SEC. 3. That Congress reserves the right to alter, amend, or repeal this act.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

MATERIAL FOR THE PANAMA CANAL.

The next business on the Calendar was the joint resolution (S. R. 40) to provide for the transportation by sea of material and equipment for use in the construction of the Panama Canal.

Mr. FRYE. That may be passed over without prejudice.

The VICE-PRESIDENT. The joint resolution will be passed over without prejudice, at the request of the Senator from Maine.

KIOWA-COMANCHE AND APACHE LANDS.

The bill (S. 2892) to provide for the repayment of deposits by bidders of Kiowa-Comanche and Apache ceded lands was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

REVISION OF THE PENAL LAWS.

The VICE-PRESIDENT. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which will be stated by the Secretary.

The SECRETARY. A bill (S. 2982) to codify, revise, and amend the penal laws of the United States.

Mr. HEYBURN. I ask unanimous consent that the unfinished business may be laid aside until half past 2 o'clock. Certain Senators desire to be present when we resume the consideration of the bill, and they are unable to be present until half past 2.

The VICE-PRESIDENT. The Senator from Idaho asks unanimous consent that the unfinished business be temporarily laid aside until half past 2 o'clock. Is there objection? The Chair hears none, and it is so ordered.

Mr. STONE. I ask that we may proceed with the Calendar.

The VICE-PRESIDENT. The Senator from Missouri asks unanimous consent that the Senate proceed to the further consideration of the Calendar under Rule VIII. Without objection, it is so ordered.

Mr. HEYBURN. Until the hour of half past 2.

The VICE-PRESIDENT. Until half past 2 o'clock.

NAPOLEON B. GIDDINGS.

The bill (S. 4690) for the relief of the legal representatives of Napoleon B. Giddings was announced as next in order, and the Senate, as in Committee of the Whole, proceeded to its consideration. It directs the Secretary of War to cause to be investigated the circumstances of the alleged taking from Napoleon B. Giddings, in January, 1847, at Santa Fe, N. Mex., and deposit with A. B. Dyer, lieutenant of ordnance, United States Army, by order of Sterling Price, colonel commanding the army in New Mexico at that time, of 140 kegs of gunpowder, and to ascertain and determine the reasonable market value at that time and place, and whether the same, or any part thereof, was ever returned or delivered back to Giddings, and the final disposition of such powder.

Mr. BURKETT. The bill may be all right, but I notice in the sixth line it reads:

And deposit with A. B. Dyer.

What the bill means does not seem to me clear.

That the Secretary of War is hereby authorized and directed to cause to be investigated the circumstances of the alleged taking from Napoleon B. Giddings, in January, 1847, at Santa Fe, N. Nex., and deposit with A. B. Dyer——

Mr. STONE. The bill was reported by my colleague [Mr. WARNER]. If the Senator from Nebraska and the Senate care to have patience to hear the report read, I think the purpose of the bill will clearly appear.

Mr. BURKETT. I thought it was a mistake in the print, and that is why I called attention to it. I do not understand what it means. It looks like a mistake in the print.

Mr. WARNER. No, Mr. President, I will state to the Senator from Nebraska that the word "deposit" is properly used. As the report of the committee will show, this powder was ordered

to be deposited with a lieutenant of the Regular Army by Colonel Price at the time he had possession of New Mexico in 1847. The receipt shows that the lieutenant had possession of the powder. The purpose is simply to ascertain what proportion, if any, was not returned to Mr. Giddings. So the word "deposit" is correct in the bill.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

CONFEDERATE CEMETERY AT SPRINGFIELD, MO.

The bill (S. 1677) providing for the taking over by the United States Government of the Confederate cemetery at Springfield, Mo., was considered as in Committee of the Whole.

The bill was reported from the Committee on Military Affairs with amendments.

Mr. KEAN. I have not any objection to the bill, but it seems to me to be rather queerly drawn.

Mr. WARNER. It is a bill that has met the approval of the War Department. I do not know what part of the bill the Senator from New Jersey criticises.

Mr. KEAN. I only observed that the bill as read was rather queerly drawn.

The VICE-PRESIDENT. The amendments of the committee will be stated.

Mr. KEAN. The amendments may make the bill clear.

The amendments were, in section 1, page 2, line 3, after the word "military," to insert "or;" in the same line, after the word "naval," to strike out "or civil," and in line 4, after the words "service of," to insert "the United States and," so as to make the section read:

That the Confederate cemetery near Springfield, Mo., and which adjoins the national cemetery at that place, having been tendered by proper authority to the United States Government, the same is hereby accepted, under the conditions that the Government shall take care of and properly maintain and preserve the cemetery, its monument or monuments, headstones, and other marks of the graves, its walls, gates, and appurtenances; to preserve and keep a record, as far as possible, of the names of those buried therein, with such history of each as can be obtained, and to see that it is never used for any other purpose than as a cemetery for the graves of men who were in the military or naval service of the United States and the Confederate States of America: *Provided*, That organized bodies of ex-Confederates or individuals shall have free and unrestricted entry to said cemetery for the purpose of burying worthy ex-Confederates, for decorating the graves, and for all other purposes which they have heretofore enjoyed, all under proper and reasonable regulations and restrictions made by the Secretary of War.

The amendments were agreed to.

Mr. WARNER. In line 4, page 2, before the word "Confederate," insert "late," so as to read "the late Confederate States of America."

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

HOOPA VALLEY INDIAN LANDS, CALIFORNIA.

The bill (S. 4546) to authorize the sale of timber on allotments made to Indians of the Hoopa Valley extension in California was considered as in Committee of the Whole.

The bill was reported from the Committee on Indian Affairs with an amendment, on page 1, line 10, after the word "heirs," to insert the following additional proviso:

Provided further, That the proceeds of all such sales shall be used for the benefit of the respective allottees in such manner as the Secretary of the Interior may direct.

So as to make the bill read:

Be it enacted, etc., That with the consent of the allottee the timber on the allotments made to the Indians of the Hoopa Valley extension in California may be sold under rules and conditions to be prescribed by the Secretary of the Interior: *Provided*, That in case of minors said consent shall be given by the father or mother or agent in charge in the order named, and for persons under other legal disabilities the agent's consent shall be taken in lieu of the consent of the allottees or heirs: *Provided further*, That the proceeds of all such sales shall be used for the benefit of the respective allottees in such manner as the Secretary of the Interior may direct.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

FISH-CULTURAL STATION IN NEW MEXICO.

The bill (S. 4266) to establish a fish-culture station at Trout Springs, Gallinas Canyon, San Miguel County, N. Mex., was considered as in Committee of the Whole.

The bill was reported from the Committee on Fisheries with amendments, in line 6, after the word "station," to insert "in New Mexico;" and in line 8, after the word "equipment," to strike out "at Trout Springs, in Gallinas Canyon, in the county of San Miguel, in the Territory of New Mexico," and insert "said station to be located at a point to be selected by the Secretary of Commerce and Labor;" so as to make the bill read:

Be it enacted, etc., That the sum of $25,000, or so much thereof as may be necessary, is hereby appropriated, out of any money in the Treasury not otherwise appropriated, for the establishment of a fish-culture station in New Mexico, including purchase of site, construction of buildings and ponds, and equipment, said station to be located at a point to be selected by the Secretary of Commerce and Labor.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill to establish a fish-cultural station in New Mexico."

PENSIONS TO CERTAIN PERSONS.

The bill (H. R. 586) granting an increase of pension to Squire J. Carlin was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike all after the enacting clause and to insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws:

The name of Squire J. Carlin, late of Company A, Twenty-first Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Henry McNeil, late of Fifteenth Independent Battery, Massachusetts Volunteer Light Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Henry C. Palmer, late of Company A, Seventh Regiment Rhode Island Volunteer Infantry, and Company A, Twentieth Regiment Veteran Reserve Corps, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Alexander W. Skinner, dependent father of Charles H. Skinner, late of Company F, Second Battalion, Fourteenth Regiment United States Infantry, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The name of Sidney S. Bryant, late of Company B, Fifty-ninth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Rhoda Lloyd, widow of Anthony Lloyd, late of Company C, One hundred and forty-sixth Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $8 per month.

The name of Jackson Sizemoure, late of Company E, Seventh Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Herbert F. Brooks, late of Company G, Tenth Regiment Massachusetts Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Harrison Burkett, late of Company M, Sixth Regiment Pennsylvania Volunteer Heavy Artillery, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of William W. Levering, late of Company K, First Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Henry C Hoover, late of Company G, Two hundred and ninth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of David Everitt, late of Company F, One hundred and fourth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of David Lemon, late of Twenty-second Battery Ohio Volunteer Light Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Martha Andrews, widow of Samuel Andrews, late of Company I, One hundred and forty-eighth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $16 per month in lieu of that she is now receiving.

The name of William H. Mize, late of Company D, Fourteenth Regiment Kentucky Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Thomas S. Blake, late of U. S. S. Vandalia and Colorado, United States Navy, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of John Horstman, late of Company C, Fifth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Christopher N. Snyder, late of Company K, Eighty-ninth Regiment Illinois Volunteer Infantry, and Companies D and G, First Regiment Mississippi Marine Brigade Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Seth H. Phillips, late of Company M, First Regiment Maine Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Charles McCoy, late of Company A, One hundred and ninety-second Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Anna M. Bohn, widow of George F. Bohn, late of Company B, Sixty-eighth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $24 per month in lieu of that she is now receiving: *Provided, however*, That in the event of the death of Frank A. Bohn, helpless and dependent child of said George F. Bohn, the additional pension herein granted shall cease and determine: *And provided further*, That in the event of the death of Anna M. Bohn the name of said Frank A. Bohn shall be placed on the pension roll, subject to the provisions and limitations of the pension laws, at the rate of $12 per month from and after the date of death of said Anna M. Bohn.

The name of Rodolphus Bard, late of Company I, One hundred and fourth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Frank N. Bement, late of Company I, One hundred and fiftieth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of John M. Essington, late captain Company B, Seventh Regiment Pennsylvania Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Joseph H. Kitzmiller, late of Company F, Fifty-eighth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Joseph V. Stevenson, late of Companies H and D, Ninety-sixth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that is now receiving.

The name of John H. Nutter, late of Company B, First Regiment New Hampshire Volunteer Heavy Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of James M. Endicott, late of Company F, Seventh Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Mathias D. Rodocker, late second lieutenant Company D, Forty-second Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of William B. P. Turner, late of Company G, Ninety-second Regiment Ohio Volunteer Infantry, and Sixty-sixth Company, Second Battalion Veteran Reserve Corps, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Elihu Wheeler, late of Company K, Thirtieth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Margaret Cornwell, widow of John F. Cornwell, late of Company E, One hundred and seventy-seventh Regiment New York Volunteer Infantry, and pay her a pension at the rate of $12 per month in lieu of that she is now receiving.

The name of Ferdinand Stritsman, late of Company H, One hundred and sixty-ninth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of John Mess, late of Company C, Forty-sixth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of John R. Pahlman, late of Company M, Fifth Regiment Missouri State Militia Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Lucy Ferguson, widow of Robert Ferguson, late of Company I, Ninth Regiment Illinois Volunteer Cavalry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving: *Provided,* That in the event of the death of Leona May Ferguson, helpless and dependent child of said Robert Ferguson, the additional pension herein granted shall cease and determine: *And provided further,* That in the event of the death of the said Lucy Ferguson the name of the said Leona May Ferguson shall be placed on the pension roll, subject to the provisions and limitations of the pension laws, at the rate of $12 per month from and after the date of the death of said Lucy Ferguson.

The name of George W. Fuchs, late first lieutenant Company I, Twenty-fourth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Frank D. Newberry, late of Company K, Fifth Regiment New York Volunteer Infantry, and captain Company A, Thirty-second Regiment Michigan Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of William S. O'Brien, late first lieutenant Company C, Tenth Regiment Tennessee Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of William Little, late of Company D, Seventh Regiment West Virginia Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of William Hogan, late of Company C, Thirty-fifth Regiment New York Volunteer Infantry, and Company C, Twentieth Regiment New York Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Charles I. Krickbaum, late of Company A, One hundred and ninety-ninth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Elston Armstrong, late of Company B, Ninety-fourth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Oliver P. Johnson, late of Company D, First Regiment Missouri State Militia Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Edwin H. Buck, late of Company F, Fifty-second Regiment Illinois Volunteer Infantry, and Company C, Eighth Regiment Illinois Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of George F. Nichols, late colonel One hundred and eighteenth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Henry Holliday, late of Company F, Sixteenth Regiment New York Volunteer Infantry, and Company F, One hundred and ninety-third Regiment New York Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Elizabeth Evans, widow of Harry Evans, late of Company D, Ninth Regiment Kansas Volunteer Cavalry, and pay her a pension at the rate of $16 per month in lieu of that she is now receiving.

The name of Elizabeth James, widow of Enoch James, late of Companies D and I, Third Regiment Wisconsin Cavalry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving: *Provided,* That in the event of the death of Jennie James, helpless and dependent daughter of said Enoch James, the additional pension herein granted shall cease and determine: *And provided further,* That in the event of the death of Elizabeth James the name of said Jennie James shall be placed on the pension roll, subject to the provisions and limitations of the pension laws, at the rate of $12 per month from and after the date of death of said Elizabeth James.

The name of James R. Grider, late of Company G, Second Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Christopher H. Lute, late of Company D, Seventy-eighth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of George Taylor, alias George Parks, late of Company C, Sixth Regiment New York Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of John C. Peters, late of Twenty-sixth Battery, New York Volunteer Light Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Deitrich Bellman, late of Company K, Eighth Regiment Missouri State Militia Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Eli Masters, late of Company K, Twentieth Regiment Kentucky Volunteer Infantry, and Company A, Sixth Regiment Kentucky Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Charles W. Wheat, late of Companies H and C, Ninth Regiment Kansas Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Thomas E. Story, late of Company H, First Regiment United States Veteran Volunteer Engineers, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of James Walters, late of Company H, Third Regiment New York Volunteer Light Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of John Bond, late of Company D, Ninety-fifth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of William Winter, late of Company A, Twelfth Regiment Illinois Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of George W. Hearing, late of Company H, Sixteenth Regiment Kansas Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Annie M. Owen, widow of William H. Owen, late of Troop C, Fifth Regiment United States Cavalry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving: *Provided, however,* That in the event of the death of William De Witt Owen, helpless and dependent child of said William H. Owen, the additional pension herein granted shall cease and determine: *And provided further,* That in the event of the death of Annie M. Owen the name of said William De Witt Owen shall be placed on the pension roll, subject to the provisions and limitations of the pension laws, at the rate of $12 per month, from and after the date of death of said Annie M. Owen.

The name of George S. Neill, late of Company A, One hundred and eighty-third Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Charles Miles, late of Company K, Ninety-seventh Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Adam Meyer, late of Company A, Fourth Regiment Ohio Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of David Wood, late of Company I, First Regiment West Virginia Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Alexander Beaty, late of Company C, First Regiment Kentucky Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of John R. Miller, late of Company G, Thirty-eighth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of David Whitten, late of Company D, Sixty-fifth Regiment Indiana Volunteer Infantry, and Company M, Tenth Regiment Indiana Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Mary A. Defendall, widow of Abram Defendall, late of Company I, One hundred and forty-third Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving: *Provided,* That in the event of the death of Elbert M. Defendall, helpless and dependent child of said Abram Defendall, the additional pension herein granted shall cease and determine: *And provided further,* That in the event of the death of Mary A. Defendall the name of said Elbert M. Defendall shall be placed on the pension roll, subject to the provisions and limitations of the pension laws, at the rate of $12 per month from and after the date of death of said Mary A. Defendall.

The name of Mary J. Baughman, widow of John R. Baughman, late of Company I, Sixth Regiment Tennessee Volunteer Cavalry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Alonzo Harter, late of Company E, One hundred and thirtieth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of John H. Oakley, alias John Hoyt, late of Company H, First Regiment New York Volunteer Light Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Palmer Loper, late of Company E, Eighteenth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Miles C. Christy, late of Company D, Eighth Regiment Iowa Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Jennie S. Risley, widow of D. Somers Risley, late first lieutenant Company B, Twenty-fifth Regiment New Jersey Volunteer Infantry, and pay her a pension at the rate of $12 per month in lieu of that she is now receiving.

The name of Rebecca W. Swain, widow of Robert D. Swain, late second lieutenant Company K, Ninth Regiment New Jersey Volunteer Infantry, and pay her a pension at the rate of $12 per month in lieu of that she is now receiving.

The name of William Bain, late of Company G, Eighty-second Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of William Jaquett, late commissary-sergeant Ninth Regiment New York Volunteer Heavy Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of John H. Monk, late of Company F, One hundred and seventy-seventh Regiment New York Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Mary E. Johnson, widow of Samuel F. Johnson, late colonel Seventeenth Regiment Kentucky Volunteer Cavalry, and pay her a pension at the rate of $25 per month in lieu of that she is now receiving.

The name of Theodore Campbell, late of Company E, Second Regiment Ohio Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of George E. Goodrich, late of Company D, Twenty-first Regiment, and captain Companies C and A, Thirty-fourth Regiment Massachusetts Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Charles P. Leavitt, late of Company H, Third Regiment West Virginia Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Milton Ross, late of Company I, One hundred and twenty-third Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Rebecca S. Wishart, widow of Alexander Wishart, late captain Company K, Eighth Regiment Pennsylvania Reserve Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Lewis W. Crain, late of Company H, Fifth Regiment Illinois Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Dallas Vernam, late of Company E, One hundred and forty-second Regiment New York Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The names of Mary Cross and Anna L. Cross, helpless and dependent children of Garrett Cross, late of Company B, Fourteenth Regiment Michigan Volunteer Infantry, and pay them each a pension at the rate of $12 per month.

The name of Edward T. Tucker, late of Company B, Eighth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Ann Toomey, widow of Robert L. Toomey, alias Robert Lannon, late surgeon-steward, United States ships Potomska and Vermont, United States Navy, and pay her a pension at the rate of $12 per month in lieu of that she is now receiving.

The name of Samuel L. Bushong, late of Company I, Forty-ninth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Casper Deschler, late of Company D, Thirty-ninth Regiment New Jersey Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Joseph Ralley, late of Company K, Twenty-seventh Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of John Miller, late of Company D, Thirty-ninth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Morton A. Wilcox, helpless and dependent son of Truman Wilcox, late of Company H, Seventeenth Regiment Vermont Volunteer Infantry, and pay him a pension at the rate of $12 per month.

The name of Amos W. Polley, late of Company A, One hundred and first Regiment Ohio Volunteer Infantry, and Company I, One hundred and sixty-ninth Regiment Ohio National Guard Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Benson S. Philbrick, late of Company B, Twenty-seventh Regiment Michigan Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Edward N. Burns, late of Company D, Ninth Regiment Indiana Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of George W. Richardson, helpless and dependent son of Caleb C. Richardson, late of Company E, Eighty-seventh Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $12 per month.

The name of Deloss Hopkins, late of Company A, Seventy-fifth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Edwin T. Farmer, late of Company E, Ninety-fifth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of John Shadinger, late of Company E, Thirty-eighth Regiment New Jersey Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Mary E. Young, widow of William F. Young, late sergeant-major Seventy-fourth Regiment New York Volunteer Infantry, and pay her a pension at the rate of $16 per month in lieu of that she is now receiving.

The name of Thomas Johnson, late first lieutenant Company L, Fourteenth Regiment Kentucky Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Henry A. Rice, late of Company G, Thirtieth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Jacob Wiler, late of Company F, Sixty-fourth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Henry Smith, late of Companies G and D, Twelfth Regiment Connecticut Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Michael McDonald, late of Company E, Fourteenth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of James R. Batten, late of Company A, One hundred and twelfth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of John E. Coogle, late of Company B, One hundred and forty-third Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Daniel S. Graves, late of Company C, Seventy-fourth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Asahel E. Chaffee, late of Company K, One hundred and ninety-third Regiment New York Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Cecilia Quinlan, widow of James Quinlan, late lieutenant-colonel Eighty-eighth Regiment New York Volunteer Infantry, and pay her a pension at the rate of $12 per month in lieu of that she is now receiving.

The name of Cynthia Bridges, widow of John H. Bridges, late of Company K, Sixtieth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $16 per month in lieu of that she is now receiving.

The name of Henry Knauff, late of Company K, Second Regiment Missouri Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Mathew B. Reid, late of Company E, Seventy-sixth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Tilghman Scholl, late of Company E, One hundred and seventy-sixth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Albert Hoffman, late of Company B, Fifty-third Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of George F. Laird, late of Company D, Sixth Regiment Massachusetts Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Albert Butler, late of Company H, One hundred and ninety-seventh Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Elizabeth B. Thomason, widow of Samuel E. Thomason, late captain Company H, One hundred and seventy-sixth Regiment New York Volunteer Infantry, and pay her a pension at the rate of $16 per month in lieu of that she is now receiving.

The name of John N. Hubbard, late of Company A, Seventh Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Barbara Popp, widow of Martin Popp, late of Company H, Forty-sixth Regiment New York Volunteer Infantry, and pay her a pension at the rate of $12 per month in lieu of that she is now receiving.

The name of J. R. Harwell, late contract surgeon, United States Army, and pay him a pension at the rate of $15 per month.

The name of Alfred G. Anderson, late hospital steward, Sixty-fourth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of William Saunders, late first lieutenant Company B, One hundred and forty-seventh Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Sidney N. Utley, helpless and dependent child of Thomas J. Utley, late of Company I, One hundred and twentieth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

The title was amended so as to read: "A bill granting pensions and increase of pensions to certain soldiers and sailors of the civil war, and to certain widows and dependent relatives of such soldiers and sailors."

PENSIONS AND INCREASE OF PENSIONS.

The bill (S. 5110) granting pensions and increase of pensions to certain soldiers and sailors of the civil war and certain widows and dependent children of such soldiers and sailors, was considered as in Committee of the Whole. It proposes to place upon the pension roll at the rate per month therein specified the following-named persons:

Cassie R. Hatch, helpless and dependent child of Albion L. Hatch, late of Company F, Twenty-fourth Regiment Maine Volunteer Infantry, $12.

Franklin L. Mead, late of Company E, One hundred and forty-eighth Regiment Illinois Volunteer Infantry, $24.

James B. Fox, late of Company C, Forty-first Regiment Iowa Volunteer Infantry, and Company M, Seventh Regiment Iowa Volunteer Cavalry, $30.

William W. Daniels, late of Company H, Ninety-fifth Regiment Illinois Volunteer Infantry, $30.

Sarah S. Long, widow of Daniel P. Long, late major Eighth Regiment United States Colored Volunteer Heavy Artillery, $20.

Waldo W. Gifford, late of Company G, Twelfth Regiment West Virginia Volunteer Infantry, $24.

Rose L. Gibbon, widow of Homer E. Gibbon, late of Company F, Eighty-fifth Regiment, and Company E, One hundred and twenty-ninth Regiment, Ohio Volunteer Infantry, $16.

Henry Kinyon, late of Company A, One hundred and fifth Regiment Illinois Volunteer Infantry, $30.

Mary Beddis, widow of Charles Beddis, late of Company D, Fifth Regiment Delaware Volunteer Infantry, $12.

Ellis A. Cloud, late of Company G, Fifth Regiment Delaware Volunteer Infantry, $12.

Jasper N. Clark, late of Company I, Second Regiment Vermont Volunteer Infantry, $24.

William B. Cole, late of Company E, Tenth Regiment Illinois Volunteer Infantry, $24.

James A. Minish, late of Company F, One hundred and fifth Regiment Pennsylvania Volunteer Infantry, $40.

Clara M. Foreman, widow of William Foreman, late of Company A, First Battalion Pennsylvania Volunteer Cavalry, $12.

Philo M. Russell, late of Company G, Twenty-eighth Regiment Michigan Volunteer Infantry, $24.

Mary J. McReynolds, widow of James T. McReynolds, late of Company C, Fifty-eighth Regiment Indiana Volunteer Infantry, $20: *Provided*, that in the event of the death of John C. McReynolds, helpless and dependent child of said James T. McReynolds, the additional pension herein granted shall cease and determine: *And provided further*, That in the event of the

death or remarriage of Mary J. McReynolds the name of the said John C. McReynolds be placed on the pension roll at $12.

Virginia C. Cole, widow of Edwin A. Cole, late of Companies D and F, Eighty-third Regiment Pennsylvania Volunteer Infantry, $20: *Provided*, That in the event of the death of Herbert Cole, helpless and dependent child of said Edwin A. Cole, the additional pension herein granted shall cease and determine: *And provided further*, That in the event of the death or remarriage of Virginia C. Cole the name of the said Herbert Cole be placed on the pension roll at $12.

Dorothy M. Van Hart, widow of Isaac Van Hart, late of Company B, Thirtieth and Thirty-fifth Regiments New Jersey Volunteer Infantry, $12.

Henrietta Hayes, widow of William Hayes, late first lieutenant Company C, Thirteenth Regiment New Jersey Volunteer Infantry, $15.

Ellen Jenkins, widow of Jacob Jenkins, late of Company K, Twenty-fifth Regiment New Jersey Volunteer Infantry, $16.

Chauncey Harris, late captain Company C, Fourteenth Regiment New Jersey Volunteer Infantry, $30.

Byron D. Brown, late of Company E, Ninth Regiment Vermont Volunteer Infantry, $24.

James M. Caswell, late musician, band, Second Brigade, Third Division, Twenty-fourth Army Corps, $24.

George H. Walsh, late quartermaster-sergeant, Tenth Regiment Minnesota Volunteer Infantry, $30.

Collins Van Cleve, late captain Company F, Ninth Regiment Illinois Volunteer Infantry, $24.

William O. Pickett, late of Company H, Twenty-third Regiment Indiana Volunteer Infantry, $24.

Mary E. Farnham, widow of Roswell Farnham, late lieutenant-colonel Twelfth Regiment Vermont Volunteer Infantry, $20.

Peter B. Groat, late of Company A, Marion County Battalion, Missouri Home Guards, $12.

Duncan M. Vinsonhaler, late first lieutenant Company I, Forty-eighth Regiment Missouri Volunteer Infantry, $24.

Jennie P. Douglas, widow of Henry C. Douglas, late captain Company K, Thirty-first Regiment Indiana Volunteer Infantry, $20.

Anna R. Shattuck, widow of George S. Shattuck, late of Company C, Tenth Regiment Pennsylvania Reserve Volunteer Infantry, $12.

Lewis Shampine, late of Company K, Sixtieth Regiment New York Volunteer Infantry, $24.

Spencer Phillips, late of Company E, Third Regiment West Virginia Volunteer Infantry, $36.

David Schooley, late of Company I, Eleventh Regiment Ohio Volunteer Infantry, $40.

Charles W. Salter, late of Company K, Fifty-first Regiment Indiana Volunteer Infantry, $30.

Lewis H. Shiery, late of Company E, Thirty-first Regiment Ohio Volunteer Infantry, $24.

Rosa A. Kinkead, widow of James W. Kinkead, late of Company H, Eighth Regiment Iowa Volunteer Cavalry, $12.

George Steckenbauer, late of Company A, Twenty-third Regiment Wisconsin Volunteer Infantry, $36.

Nellie B. Young, widow of George W. Young, late of Company H, Thirteenth Regiment Illinois Volunteer Infantry, $12.

William H. Iliff, late of Company D, Twelfth Regiment Ohio Volunteer Infantry, $24.

Joseph Fisher, late of Company C, Thirty-eighth Regiment Ohio Volunteer Infantry, $30.

Mary L. Marpe, widow of Theodore Henry Marpe, late of Company G, Fifth Regiment Ohio Volunteer Cavalry, $8.

Emeline H. Ewer, widow of James K. Ewer, late of Company C, Third Regiment Massachusetts Volunteer Cavalry, $12.

Joseph H. Suits, late of Company B, Twenty-second Regiment New York Volunteer Cavalry, $30.

Sarah F. Wimmer, widow of John P. Wimmer, late of Capt. Smith's independent company, Utah Volunteer Cavalry, $12, and $2 additional on account of the minor child of the said John P. Wimmer until she reaches the age of 16 years.

Martin Bahrenburg, late of Company C, Fifth Regiment Missouri State Militia Cavalry, and Company E, Thirteenth Regiment Missouri Volunteer Cavalry, $24.

Francis Ashens, late of Company M, Fifteenth Regiment Kansas Volunteer Cavalry, $24.

Lavinia Ogden, widow of Joseph G. Ogden, late of Company A, First Regiment New Jersey Volunteer Infantry, $12.

Louis H. Leland, late of Companies C and D, Eighth Regiment Michigan Volunteer Cavalry, $30.

William H. Draper, late of Company K, Twentieth Regiment Iowa Volunteer Infantry, $30.

James Saunders, late of Company B, Seventy-eighth Regiment Ohio Volunteer Infantry, $30.

Stephen H. Pulling, late of Company E, Thirteenth Regiment New York Volunteer Heavy Artillery, $30.

Donna M. Blatter, widow of John Blatter, late first lieutenant Company D, Ninety-eighth Regiment Ohio Volunteer Infantry, $12.

Elizabeth P. Collins, former widow of Charles B. Peterson, late of Company A, Twenty-first Regiment New York Volunteer Infantry, $8.

Edmund J. Pickett, late of Company A, Sixteenth Regiment New York Volunteer Cavalry, $40.

Hattie L. Collins, widow of William T. Collins, late of Company A, Second Regiment United States Sharpshooters, $16.

Robert Flett, late of Company F, Fifth Regiment Michigan Volunteer Cavalry, $24.

Charles L. Hewitt, late of Company E, Seventh Regiment Connecticut Volunteer Infantry, $30.

Hiram W. Shepard, late of Company D, Twelfth Regiment Maine Volunteer Infantry, $24.

Henry C. Linn, late assistant surgeon, Twelfth Regiment Missouri Volunteer Cavalry, $30.

John W. Moore, late of Company E, Fiftieth Regiment Illinois Volunteer Infantry, $30.

Louise Ladue Duffield, widow of William W. Duffield, late colonel Ninth Regiment Michigan Volunteer Infantry, $30.

Jesse Prickett, late second lieutenant Company E, Thirty-seventh Regiment Massachusetts Volunteer Infantry, $30.

George Young, late of Company C, Eighteenth Regiment Michigan Volunteer Infantry, $30.

Arthur Ricker, late of Company B, Fifth Regiment Maine Volunteer Infantry, and Company I, Thirtieth Regiment Maine Veteran Volunteer Infantry, $30.

Ruth E. Bannatyne, widow of Robert W. Bannatyne, late captain Company B, Fifty-second Regiment Pennsylvania Volunteer Infantry, $20.

Austin Parks, late of Company F, Thirty-ninth Regiment, and Company F, Seventh Regiment Iowa Volunteer Infantry, $24.

Louisa S. Wilson, helpless and dependent child of John F. Wilson, late of Company E, Sixteenth Regiment Connecticut Volunteer Infantry, and Company F, Third Regiment Veteran Reserve Corps, $12.

De Forest Safford, late of Company F, Forty-fourth Regiment Massachusetts Militia Infantry, $24.

Thomas S. Ball, late of Company B, Tenth Regiment Maryland Volunteer Infantry, $24.

Emma H. Cotton, widow of John A. Cotton, late first lieutenant and commissary Seventeenth Regiment Illinois Volunteer Cavalry, $17.

Hugh H. Tarbet, U. S. S. *Great Western*, United States Navy, $24.

Helen A. Pulsifer, widow of Josiah D. Pulsifer, late major and additional paymaster, United States Volunteers, $25.

Henry Dorman, late of Company F, Seventh Regiment Michigan Volunteer Cavalry, $30.

Mr. McCUMBER. I move to amend the bill on page 5, line 15, before the word "dollars," by striking out "fifteen" and inserting "twenty." I will say that this amendment is proposed upon additional evidence which has been submitted to the committee since the report upon which the rating was made in the bill.

The VICE-PRESIDENT. The amendment proposed by the Senator from North Dakota will be stated.

The SECRETARY. On page 5, line 15, before the word "dollars," it is proposed to strike out "fifteen" and to insert "twenty," so as to read:

The name of Henrietta Hayes, widow of William Hayes, late first lieutenant Company C, Thirteenth Regiment New Jersey Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The amendment was agreed to.

Mr. KEAN. I am obliged to the Senator from North Dakota.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

MERRIMAC RIVER BRIDGE AT TYNGS ISLAND, MASSACHUSETTS.

The bill (S. 4809) to authorize the construction of a bridge across the Merrimac River at Tyngs Island, Massachusetts, was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

DAVISON CHEMICAL COMPANY, OF BALTIMORE, MD.

The bill (S. 4632) for the relief of the Davison Chemical Company, of Baltimore, Md., was announced as next in order.

Mr. KEAN. Is there a report accompanying that bill?

The VICE-PRESIDENT. There is a report accompanying the bill.

Mr. KEAN. Let the report be read, Mr. President.

The VICE-PRESIDENT. The report will be read.

Mr. KEAN. Let the bill go over, Mr. President. In glancing at the report, I notice that there is an omission in it.

The VICE-PRESIDENT. At the request of the Senator from New Jersey, the bill will go over without prejudice.

H. R. KING.

The bill (H. R. 1702) to reimburse H. R. King was announced as next in order.

Mr. BACON. Mr. President, we ought to know something about that bill. I presume there is either a report accompanying it or that some Senator is prepared to state the ground upon which the appropriation contained therein is rested.

Mr. KEAN. Let the bill go over.

Mr. BACON. I do not ask that the bill go over; but I should like to know something about it before it is passed. It is the Senator from New Jersey who asks that the bill go over.

Mr. KEAN. The Senator from Minnesota [Mr. CLAPP] who reported the bill is not present. Let it go over.

The VICE-PRESIDENT. At the request of the Senator from New Jersey, the bill will go over.

PACIFIC PEARL MULLETT.

The bill (S. 1517) for the relief of Pacific Pearl Mullett, administratrix of the estate of the late Alfred B. Mullett, was announced as next in order.

Mr. BURKETT. Let that bill go over, Mr. President.

Mr. BACON. I hope the Senator from Nebraska will allow the facts upon which this bill is based to be stated. I will state to the Senator that a similar bill has passed the Senate frequently; that it has had the examination and approval of the Committee on Claims of this body several times, and I think, although I am not prepared to state it with absolute certainty, that it has also several times passed the other House. Unless the Senator knows some reason to object to the bill, I hope the simple fact that he is not informed about the bill will not influence him in opposition to it, in view of what I have stated that it has several times passed the Senate.

Mr. BURKETT. I will say that I do know something about the claim, and that is the reason I objected to it.

Mr. BACON. Very well, if the Senator has objection to it.

Mr. BURKETT. I do not want to take time to discuss it now, and therefore I ask that it go over.

Mr. BACON. Very well.

The VICE-PRESIDENT. The bill will be passed over.

UNITED STATES NATIONAL CEMETERY AT MEXICO CITY, MEXICO.

Mr. HEYBURN obtained the floor.

Mr. SCOTT. I ask unanimous consent for the present consideration of a little bill.

The VICE-PRESIDENT. Does the Senator from Idaho yield to the Senator from West Virginia?

Mr. HEYBURN. I yield to the Senator from West Virginia.

Mr. SCOTT. I ask unanimous consent for the present consideration of the bill (S. 2248) for the improvement of the United States National Cemetery at Mexico City, Mexico.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

Mr. KEAN. Is there a report with that bill?

Mr. SCOTT. If the Senator from New Jersey will allow me, I think I can explain the bill briefly. The Government of the United States owns the cemetery in fee simple, and in that cemetery there are buried a great many soldiers of the war of 1847–48. I now send to the desk and ask the Secretary to read a letter which has been sent to me in regard to the matter, and afterwards I desire to make a little further statement.

The VICE-PRESIDENT. The Secretary will read as requested.

The Secretary read as follows:

DEPARTMENT OF TENNESSEE,
City of Mexico, February 12, 1908.

Senator N. B. SCOTT,
Washington, D. C., U. S. A.

DEAR SIR: I have the honor to communicate to you the very sincere appreciation of E. O. C. Ord Post, No. 100, Grand Army of the Republic, Department of Tennessee, for the interest you have taken in the United States national cemetery in this city and for the bill you have introduced asking for an appropriation of $50,000 for the purpose of improving the same. The deplorable condition of the buildings and grounds for some years past has occasioned much severe comment among American citizens who have visited our city, and the fact that the bones of American soldiers who fell in this valley in 1848 rest in this cemetery and should be covered by a stone and surrounded by a wall in keeping with the dignity of our Government has accentuated unfavorable criticism. The post feels now assured that the Congress of the United States will grant the appropriation asked for, and thus improve the spot where lie the remains of so many of our patriotic dead.

Again thanking you in the name of the post,

I have the honor to be, most truly, yours,

J. C. MORDOUGH, *Post Commander.*

C. M. BUSH, *Adjutant.*

Mr. SCOTT. Mr. President, the laws of Mexico are such that a cemetery must be obscured from public view. They have raised the streets in the new part of the city of Mexico, and in raising the same the streets are now almost on a level with the walls that surround the cemetery. Those walls will have to be raised or the city authorities of the City of Mexico will compel the United States to take action or vacate. The building that was on the cemetery lot is falling down on account of the dampness of the surroundings. As the letter which has been read states—I saw it myself and took the American ambassador out to it—the cemetery is in a deplorable condition.

Right adjoining it is the cemetery of England, which is beautifully kept. It is a pleasure to visit the British cemetery, while in ours you are afraid you will come in contact with disagreeable objects. I do not believe that this great country wants to neglect the only piece of ground that we own in the City of Mexico, a place where the bones of over 800 soldiers of the Mexican war are buried. At present there is nothing but a little insignificant sandstone monument about 5 feet high to commemorate the deeds of those valiant soldiers, and I am sure that there is not a Senator on the floor of the Senate, or an American citizen, who, if he saw the condition of that cemetery, would not cheerfully vote this sum of money to put it in proper condition.

Mr. STONE. Mr. President, I desire to ask the Senator——

The VICE-PRESIDENT. Does the Senator from West Virginia yield to the Senator from Missouri?

Mr. SCOTT. Certainly.

Mr. STONE. Are the remains of the soldiers collected in the cemetery?

Mr. SCOTT. They were brought from the battlefields to the cemetery.

Mr. STONE. Are they in a particular spot or grave?

Mr. SCOTT. Yes, sir.

Mr. STONE. What is the amount of this proposed appropriation?

Mr. SCOTT. The bill proposes to appropriate $50,000, or so much thereof as may be necessary.

Mr. STONE. Could not those bones or those remains be brought from Mexico to the United States and buried at Arlington, or some other national cemetery for as little money, and would it not be more in keeping with the patriotic sentiments of our people and of our country to do that than to leave them in a foreign land?

Mr. WARREN. I would like to ask the Senator a question.

The VICE-PRESIDENT. Does the Senator from West Virginia yield to the Senator from Wyoming?

Mr. SCOTT. Certainly.

Mr. WARREN. I want to ask a question bearing upon the question which the Senator from Missouri [Mr. STONE] asked. Is it not a fact that since that time we have buried in this cemetery such Americans as may have died in that country, including consuls and other officers, and is it not a fact that there is a law about bringing remains of deceased persons from interior points in Mexico that makes it very hard and sometimes impossible to get the dead body of an American across the line and out of there, so that it becomes necessary almost and certainly desirable that we should have a burying ground in Mexico?

Mr. STONE. I have no objection to the appropriation being made, Mr. President, if the remains are to stay there, but it would seem to me that the dust of those dead soldiers would be better honored if they rested in their native land.

Mr. SCOTT. Mr. President, I will say to the Senator from Missouri that the remains now reposing in the cemetery are those of soldiers gathered from a number of battlefields and brought there at a remote period. I presume that it will be hardly worth discussing the question as to whether it would be possible to find enough of them to bring them to this country. I doubt whether they could be brought here after the lapse of so many years.

I noticed in examining the matter that the larger proportion of the soldiers buried in this cemetery were from the southern parts of our country. I am sure that the Government of the United States is spending money in many directions for a less worthy object than is sought by this bill, namely, an appropriation of $50,000 to care for that cemetery.

Mr. TILLMAN. Mr. President——

The VICE-PRESIDENT. Does the Senator from West Virginia yield to the Senator from South Carolina?

Mr. SCOTT. Certainly.

Mr. TILLMAN. Mr. President, I sympathize with the sentiment expressed by the Senator from West Virginia, and I have a personal interest in this matter, because my eldest brother was killed at the battle of Cherubusco, and his remains lie somewhere down there. I think that the monument or inclosure, or whatever is proposed by this bill, will mark a spot and evince a sentiment rather than afford recognition of any particular soldier. It will simply indicate to the traveler that Americans died there in discharging their duty and that the Government of the United States thinks enough of them to recognize their services in this manner.

The VICE-PRESIDENT. The amendment reported by the Committee on Military Affairs will be stated.

The SECRETARY. In line 4, after the word "be," it is proposed to insert "erected in the United States National Cemetery at Mexico City, Mexico, a suitable monument to the memory of the United States soldiers who fought in the war with Mexico, and to be;" in line 8, after the word "the," to insert "wall around and the;" in the same line, after the word "to," to strike out "the United States National Cemetery at Mexico City, Mexico," and insert "said cemetery;" and in line 11, after the word "be," to strike out "found needed" and to insert "necessary," so as to make the bill read:

Be it enacted, etc., That the Secretary of War be, and he is hereby, directed to cause to be erected in the United States National Cemetery at Mexico City, Mexico, a suitable monument to the memory of the United States soldiers who fought in the war with Mexico, and to be rebuilt or repaired, as may be necessary, the wall around and the buildings attached to said cemetery, and to make such improvements in the grounds as may be necessary; and to carry out the provisions of this act the sum of $50,000 is hereby appropriated out of any money in the Treasury of the United States not otherwise appropriated.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

REVISION OF THE PENAL LAWS.

Mr. HEYBURN. I call for the regular order.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 2982) to codify, revise, and amend the penal laws of the United States.

The VICE-PRESIDENT. The next section passed over will be stated.

The Secretary proceeded to read section 286.

Mr. SUTHERLAND. Mr. President, my notes show that section 269 has been passed over.

Mr. HEYBURN. Section 269 was not passed over.

Mr. SUTHERLAND. Very well.

The Secretary read section 286, as follows:

SEC. 286. [Whoever, *within the territorial limits of any State, organized Territory, or District, but within or upon any of the places now existing or hereafter reserved or acquired, described in section 269 of this act, shall do or omit the doing of any act or thing which is not made penal by any law of Congress, but which if committed or omitted within the jurisdiction of the State, Territory, or District in which such place is situated, by the laws thereof now in force would be penal, shall be deemed guilty of a like offense and be subject to a like punishment;* and *every* such State, *Territorial, or District* law shall, *for the purposes of this section, continue in force, notwithstanding any* subsequent repeal *or amendment* thereof *by any such State, Territory, or District.*]

Mr. HEYBURN. Mr. President, I would not feel justified in passing over section 286 without calling the attention of the Senate to the fact that that section will always occupy a peculiar position among the laws of the country. It is one that should be reenacted with every Congress. In 1832, in the case of The United States *v.* Paul—

Mr. Chief Justice Marshall stated it to be the opinion of the court that the third section of the act of Congress entitled "An act more effectually to provide for the punishment of certain crimes against the United States, and for other purposes," passed March 3, 1825, is to be limited to the laws of the several States in force at the time of its enactment. This was ordered to be certified to the circuit court for the southern district of New York.

Ever since that time that has been the settled law with reference to the status of that kind of legislation. Where Congress adopts the legislation of the State as a basis upon which criminal prosecutions may be had, it adopts it as of the status of the State or Territorial laws at the time of the enactment of the act of Congress, and the State or Territory may repeal that law, and it may no longer be a crime under the State or Territory, and yet it remains an offense punishable in the United States courts. The United States courts are administering laws and enforcing criminal statutes that were passed last, I think, in 1886, and in many instances they have been repealed by the States which enacted them. Yet they are still the law to be enforced in the United States courts.

There seems to be no way out of this difficulty. It was held that under the Constitution of the United States we could not adopt the legislation of a State by anticipation, even though that legislation consisted of the repeal of an existing State law. So there seems to be no way out of this difficulty except at reasonably frequent intervals to reenact this statute. Then its force and effect will be as of the date of its last enactment.

Mr. McLAURIN. Mr. President——

The VICE-PRESIDENT. Does the Senator from Idaho yield to the Senator from Mississippi?

Mr. HEYBURN. Certainly.

Mr. McLAURIN. I desire to ask the Senator from Idaho if he does not think that a law of Congress enacting a law of the State, without examining into the law of the State to see what it is, ought not to be so worded as to continue that law in force after the State shall have repealed it or amended it? If it is wise for Congress to adopt the law of the State, then it seems to me it would be wise for Congress to adopt the amendment of it or the repeal of it.

Mr. HEYBURN. It can not do it.

Mr. McLAURIN. Why can you not strike out the word "now," in line 16, and all after the word "punishment," in line 18, and thus accomplish it?

Mr. HEYBURN. Because the United States Supreme Court says that Congress has not that power under the Constitution. They have undertaken it, and Justice Story drew the act of 1825, I think it was, with the express view of doing that very thing. He differed from his associates, and rendered one of the ablest dissenting opinions that he ever wrote. He contended that he could draw an act which would make effective the legislation to be enacted by the State, just as is suggested by the Senator from Mississippi. But the Supreme Court never agreed with him.

Mr. McLAURIN. I do not understand the reading of the decision by the Senator from Idaho to bear that construction. But if it be correct that Congress can not provide that there shall be a repeal of the law of Congress by a repeal of the law of the State, then what necessity is there to put in the section that provision?

Mr. HEYBURN. The last clause?

Mr. McLAURIN. The last clause and the word "now."

Mr. HEYBURN. I do not think there is any necessity for the last clause if we had to deal only with lawyers who were advised of the very serious consideration that has been given to this power by the Supreme Court of the United States. But it is not always well to pare the language of legislation down to the bare necessities, especially in legislation of this character, which is so unusual.

Mr. McLAURIN. I think the judges who will pass upon this and the lawyers who will appear before them for the trial of the causes and to invoke this act will be lawyers competent to examine the constitutionality of the question and will probably look up the decision which has been read by the Senator from Idaho.

Mr. HEYBURN. I will call the Senator's attention to the fact that the act of 1825 contained that language, and it has been interpreted in a very long line of decisions. Every phase of this question has been before the courts. I have here a memorandum of the cases, decided at frequent intervals since the enactment of the first law by Congress upon this subject, showing that the courts have not been free from difficulty even with this plain statement, in less than ten lines, by Chief Justice Marshall. The original act of the 3d of March, 1825, and as amended in 1886, contained these words:

And no subsequent repeal of any such State law shall affect any prosecution for such offense in any court of the United States.

It was the purpose of the committee presenting this bill to avoid any change in existing law where it could be avoided, because we desired to have as little occasion for considering the effect of a change, as to whether it constituted new legislation or not, as was possible. Our duty was to present to this body and to the other the law as it exists, in a revised, codified form, revised by bringing together statutes for the purpose of remolding them in the interest of harmony of expression, cutting out redundant matter and expressions, but in no instance to change the practice of the law. That was the purpose and that was the endeavor of the committee.

Now, it may be that those words could be dispensed with, but inasmuch as they have run all through the consideration of this law in the many decisions of the courts down to a very recent date, we thought it wise not to disturb that language. I think it is wise.

Mr. McLAURIN. Mr. President, I think it is otherwise. It seems to me it will produce a great deal of confusion to enact into the laws of the United States a provision that the present laws of all the States, wherever they affect the criminal jurisprudence in territory under the jurisdiction of the United States, shall be irrepealably the law of Congress. A State that has enacted a law for its guidance and for the punishment of crime has the same law made by Congress for every part of the territory in that State which is subject to the jurisdiction of the United States. It would be almost impossible for the Congress to look into the laws of all the States and see when they are repealed and when they are not repealed and see whether it is advisable to repeal these laws or not and to make different laws in their stead.

You make an act a crime in the State of Idaho by an act of Congress because it is a crime by the laws of the State of Idaho, and the wisdom of the legislature of Idaho has been exercised in determining whether a man shall be punished for the particular offense in that State. After a while the State of Idaho comes to the conclusion that that was an unwise law and ought not to have been upon the statute books; that the act ought not to have been made a criminal act by the laws of the State; that it ought not to have been made punishable by the courts of the State. But you have a law on the statute books of the United States which says that while the legislature may repeal that law in Idaho and in all the parts of the State except where the United States courts have jurisdiction of a criminal offense, and provide that it shall not be a criminal offense, yet in that particular jurisdiction it is criminal. I do not think that is wise legislation. I think it is very well to enact a law that that which is criminal in the other portions of the State shall be criminal in that portion of the State which is subject to the laws of Congress. But being predicated upon the idea that the legislature, in its wisdom, has sought to ascertain the proper law for the punishment of crimes that militate against the peace and dignity of the State, it seems to me, when the wisdom of the legislature shall have reversed itself and come to the conclusion that there is no longer any necessity for the law or that it was unwisely enacted, the repeal of that law by the legislature ought to repeal the law by Congress which was predicated upon the law of the State.

That is my idea about it, and this, I think, can be accomplished by striking out the word "now" in line 16, and all after the word "punishment" in line 18.

Mr. SUTHERLAND. Mr. President——

The VICE-PRESIDENT. Does the Senator from Mississippi yield to the Senator from Utah?

Mr. McLAURIN. With pleasure.

Mr. SUTHERLAND. I do not want to interrupt the Senator, but I desire to make some suggestions for his consideration in connection with what he is saying.

I entirely agree with what the Senator says as a practical proposition; but the difficulty is that we can not, at any rate in my judgment we can not, do what the Senator suggested we should do. In the first place, we have only power to adopt the laws which are now in force in the State. We have no power to adopt a law which any State may hereafter adopt, because to do that would be to delegate to the legislature of a State the power of Congress to enact laws, and that is something we can not do.

Now, the repeal of an existing law is legislation, and if Congress were to say, "We will adopt the law of a State now in existence until it has been repealed and then adopt the repeal of the State," it would be to delegate to the State the power to make a law, namely, to repeal an existing law. We have no constitutional power to do that.

The Senator then said we ought to drop from the section the provision that those repealed laws shall remain in force notwithstanding their repeal. That is necessary because, as the Senator knows, very often the repeal of the penal laws of a State consists of the revision of all the laws of the State and the consequent repeal by the revision of the whole existing body of the law of the State. That occurs at very frequent intervals. In my own State, which is a comparatively small State, about every ten years we have had a complete revision of the penal laws, and when the laws are revised there is a clause repealing all the existing laws. If we drop out of the pending section this language to which the Senator refers, the result would be that very often, by omitting that from the section of the law, we would be without any penal law at all in many of the States. It is better that we should for a while be enforcing laws which perhaps the States thought ought to be repealed than to have no law at all.

I venture to say it is a very rare occurrence for a State absolutely to repeal a law. Repeals are usually done by amendment, by adding something to the law, by revision, or something of that sort. But the substantive provision of the law is very rarely repealed. They repeal by revision, repeal by adding something, and because of that character of repeal I do not feel that a very great hardship is going to result. But I can foresee that very great injustice might result if we have not that sort of a provision in the law.

Mr. McLAURIN. Mr. President, the Senator from Utah [Mr. SUTHERLAND] is such an excellent lawyer and is so clear on every question which he touches that I dislike to differ with him on a constitutional proposition. But I do differ with him on this. I think Congress has it within its power to say that a certain law shall last a certain length of time, and I think Congress has the power to make that length of time dependent upon a certain condition. That is my idea of the constitutional question involved in it.

If the Senator agrees with me on the policy, then if the penalty is abrogated because of the repeal of the penalty by the State law that executes the very policy which I advocate. So he would accomplish that which he believes to be the best policy by striking out these provisions. But if the legislature has it in its power to repeal the penal provision and that dispossesses the courts of the United States of any power to inflict a penalty, it is, if the Senator is correct on the constitutional proposition, within the power of the legislature to do indirectly what it can not do directly; and that we know is a proposition which has been condemned by all the courts.

If it be true that the leaving out of these provisions would not affect that policy which I advocate and which the Senator approves, what is the necessity for putting in these provisions? Without these provisions the law would be the same if we can not constitutionally provide for the repeal of the law at the time when the legislature of the State shall repeal the State law, or amend it or modify it. There is no necessity for putting in the word "now" if we can only adopt the laws which are now enforced by the States, because the courts would construe this in a reasonable way and would construe that we were using language here to effectuate that which we could constitutionally do. Hence there is no necessity for the word "now."

Then, again, if it be true that the repeal of the law by the State can not by virtue of the Constitution of the United States accomplish the repeal of the law which we here enact, there is no necessity for a word of that section after the word "punishment."

I submit these suggestions, and I now offer an amendment to strike out the word "now," in line 16, and all after the word "punishment," in line 18.

The VICE-PRESIDENT. The Senator from Mississippi proposes an amendment, which will be stated by the Secretary.

The SECRETARY. On page 149, line 16, after the word "thereof," strike out "now;" and after the word "punishment," in line 18, strike out the remainder of the section.

Mr. BACON. I should like to inquire of the Senator from Idaho if there are any decisions distinctly upon the point which has been discussed by the Senator from Mississippi and the Senator from Utah, as to whether or not a statute of the United States can limit the law to the time when it shall be in force. I quite understand and see the force of the suggestion that it would be impossible to enact a law which would put in force a State statute thereafter to be enacted by the State. There can be no question whatever about that. But, as the Senator has said that the matter has been frequently before the courts, I should like to know whether the precise question has been decided by the courts or whether the Senator is representing that the committee in this particular are concluding that from an analysis of the various decisions.

Mr. HEYBURN. The question has been squarely and fairly decided on more than one occasion. I was very much inclined to bring into the Senate Chamber to-day the authorities bearing upon this question, but it is so large a question, one which has so frequently and so extensively occupied the time of the courts, that I felt loath to impose upon the Senate a legal discussion of this question that has been summed up so tersely and so completely by an authority that is absolutely conclusive upon the subject.

The question of the delegation of power by Congress to a State legislature to repeal a law is exactly the same as the delegation of the power by Congress to a State legislature to enact one, because the process of repealing is the process of enacting a law. That has been made so plain by the decisions of the courts that I think it will not be seriously controverted now upon consideration.

There is no section of the law with which I have come in contact in more than thirty years' active practice against which

I have rebelled so often as this section. I reserved the right in the joint committee of the two Houses to object to it on the floor of the Senate should I desire to do so, as I stated on a former occasion, when this section was reached for consideration. It is repugnant to my sense as a lawyer of the methods which should pertain in the enactment of laws. I said in committee that I believed it was our duty to gather up and enumerate the various offenses that might be legislated upon as crimes by a State legislature. It is a formidable task. In all the States they have many phases of crime, and every one of them is apt to present itself to a United States court because the United States courts are all-comprehensive from a territorial standpoint.

The necessity for conferring jurisdiction upon United States courts to punish according to the law of the State arises out of a very peculiar condition. A post-office on one side of a street the jurisdiction of which has been ceded to the United States by the State, as provided by the Constitution of the United States, and a building upon the other side of the street belonging to private individuals and under the jurisdiction of the laws of the State would seem to present the question in the plainest manner for consideration. A man commits exactly the same offense in the post-office as another person commits on the opposite side of the street. The man who commits the offense in the post-office is triable in the United States courts under the laws of the United States. He can not be tried under the laws of the State, because the State has ceded to the United States jurisdiction, as it must under the provisions of the Constitution of the United States. He is tried by the United States court according to the rules that pertain in that tribunal, and the man who commits exactly the same offense upon the opposite side of the street is tried under the laws of the State.

Now, the law under which the United States court is administering justice on one side of the street is the law that was in force at the time of the passage of the act similar to the one under consideration, which was in 1886, the last time this was enacted. The man on the opposite side of the street is tried under a law which was enacted by the State legislature perhaps last year, entirely different in its terms, different as to the method of punishment, different as to the method of trial.

Mr. McLAURIN. Will the Senator from Idaho allow me to interrupt him?

Mr. HEYBURN. Certainly.

Mr. McLAURIN. Would not that be the same if the State had repealed the law and the United States court were trying the defendant under a law that the State had at one time enacted but had repealed and put another law in its place?

Mr. HEYBURN. That is the same question presented in a different form. The change of the provisions in a law might constitute a partial repeal of the law which existed at the time when the United States adopted the laws of the State.

Mr. McLAURIN. But my question to the Senator is, Would it not then be, under the provisions of this law, that the State court would be trying him under one law right across the street, while the Federal court would be trying another man under a different law right on the other side of the street, and both of them had grown out of State law?

Mr. HEYBURN. That is absolutely true. And it is upon that that I have so long contended that there should be some other method than that proposed by this statute. But what is the other method? It is that we diligently gather up and enumerate and prescribe for the punishment of each of the different offenses that might be committed in every portion of this country. It would constitute rather an extensive criminal code in itself, because, as I say, there are crimes which are peculiar to certain localities and certain conditions which do not pertain in others.

Congress from the very beginning realized the necessity of ingrafting upon the laws of the United States the statutes of the State in regard to criminal offenses and of enforcing those laws in the United States courts, and they thought at the beginning that the repeal of the law by the State legislature might be carried into the consideration of the United States courts, until Chief Justice Marshall, in the case of Paul *v.* United States, held that it could not be done. That, as I have already said, inspired Justice Story to the effort that resulted in the act of 1825, which he himself drew, and he recites his experience with this question. He thought he could overcome the constitutional difficulty of making the action of a State legislature in repealing a law operative upon the United States courts in administering a law, and he finally gave it up, and the courts of last resort have held uniformly that it could not be done; that for Congress to say that they would adopt and enforce a State law for but a given period, or rather until the State legislature repealed it or modified it or changed it, was to delegate to the State the power to repeal an act of Congress or to modify or to change it, and that is the law as it stands to-day.

So, as the Constitution stands to-day, if we want to adopt the laws of the State for the convenient and effective administration of justice in the punishment of crimes, we must simply reenact this provision as often as it seems necessary and wise to do. It could be done pro forma, say once in every two or four years, as might be deemed best. But it seems to be the only refuge, and the committee, after considering the matter for days, and recurring again and again to this provision of law, could find no remedy other than that which is presented.

To strike out the word "now," as suggested by the Senator from Mississippi, so as to leave it indefinite, would be to change existing law. The word "now" is in the law as it has been in force since 1825. The word "now" was in the law as it was interpreted by Chief Justice Marshall and as it has been repeatedly interpreted by the Supreme Court since that time. So I can see no reason now for striking out that word.

To strike out all after the word "punishment" comes within the same consideration, because the existing law as it was enacted in the very beginning of the jurisprudence of this country contained the same provision that the committee have reported in this bill. I hope the amendment will not be adopted.

Mr. BACON. I hope the Senator from Idaho will pardon me, but I suppose in the heat of his argument he has overlooked the exact inquiry I made of him, which was whether the precise point has been decided, or whether the Senator concluded from the decisions which have been made that it necessarily involved that point. I wish to know whether the precise point was ever presented to the court and decided by the court—that it is unconstitutional for Congress to enact a law under which the statute of the State would be adopted and would be continued in force only so long as it remained in force in the State. Has that precise point ever been decided?

Mr. HEYBURN. That has been decided.

Mr. BACON. I hope the Senator will give us the decision. I am not asking it for the purpose of controversy, but for the purpose of satisfying myself.

Mr. HEYBURN. I understand that. That precise point has been considered and decided time and again. I have not in the Senate Chamber the authorities on the subject, but there are many full considerations of that question in the decisions which the Senator will find brought together probably in Rose's Notes of Concurrent Cases under the case of The United States *v.* Paul, and not only that, but in Mr. Story's treatise on the Constitution I think he will find a very thorough and elaborate consideration of the question.

Mr. McLAURIN. If the Senator will allow me, the case of The United States *v.* Paul does not decide that question at all. The case of The United States *v.* Paul merely decides that the act of Congress of March 3, 1825, did not punish a man in New York under an act passed by the legislature of New York after 1825. That is all that is decided by the case of Paul. There is no constitutional question discussed in that case.

Mr. HEYBURN. I did not intend to be understood as saying that there was. I used it as a reference for the purpose of reviewing the Concurrent Cases. I say that if the Senator will review the Concurrent Cases that are brought together by the commentator under that head he will probably find all these cases there. There is a long line of cases in which the question is considered in its every elaboration.

Mr. McLAURIN. But the Senator will observe that there is no reference at all in the case of The United States *v.* Paul to the Constitution of the United States or to any other constitution.

Mr. HEYBURN. No; I know that.

Mr. McLAURIN. It was only a question whether, under the act of Congress of March 3, 1825, the act of the New York legislature enacted thereafter——

Mr. HEYBURN. Changed the law as it was at the time of the passage of the act.

Mr. McLAURIN. No; whether the act of Congress of 1825, making an offense, was carried into the act of the legislature of New York.

Mr. HEYBURN. Yes; it is the announcement of a principle by the Chief Justice that I read with reference to the case of The United States *v.* Paul; but I stated to the Senator what, according to all the authorities, the law is, and of course I did not deem it necessary to bring them all in here, because that would be too much like arguing a case before a court. I assume that if there is doubt in the mind of Senators they will investigate the question in the usual way.

Mr. McLAURIN. If the Senator will pardon me again for interrupting him——

The VICE-PRESIDENT. Does the Senator from Idaho yield further to the Senator from Mississippi?

Mr. HEYBURN. Certainly.

Mr. McLAURIN. I suggest that there is no announcement of any principle in the case of The United States *v.* Paul. It is merely the interpretation of a statute.

Mr. HEYBURN. Well, that is the announcement of a principle.

Mr. McLAURIN. I do not think there is any principle announced.

Mr. HEYBURN. The principle involved is whether or not it fixed the time when the statute of the State attaches in the United States courts. That is quite a material consideration.

Mr. McLAURIN. I do not think it is that. I think it only fixed the time when that particular act attached. One act might attach and another might not attach.

Mr. HEYBURN. That is the only act we have, and that is the act we are considering to-day in the revision. That is the act the committee has reported to the Senate. It is the act of 1825, and it is the act under consideration.

Mr. McLAURIN. That is true enough, and it is the act that I think ought to be amended.

Mr. HEYBURN. The act of 1825?

Mr. McLAURIN. I think so. We are amending laws as far back as 1825 on this very bill, and adding new laws.

Mr. HEYBURN. I appeal to the Senator that that would probably be a rather dangerous position to establish here. There are quite a number of laws on the statute books of the United States that probably both the Senator and myself would agree should be amended, but we would also agree that it was not the proper function for a committee on revision or codification of the laws to undertake to amend them, because if it is proposed to amend them the amendment should be introduced in the ordinary way of legislation in this body and go to the appropriate standing committee for consideration.

Mr. McLAURIN. I will ask the Senator if we are not amending them all along, and amending them at the suggestion of the committee?

Mr. HEYBURN. Mr. President, there is no amendment in these laws that has been adopted with my concurrence. We have here, in the interest of getting the bill through, which is quite a serious consideration, conceded certain amendments, not always in accordance with our judgment as to what should be done; but it is better sometimes to concede an amendment that is not of very grave importance than it is to defeat a purpose such as we have in view, that of codifying the laws. If we undertook here to criticise the wisdom of the legislators who adopted them we probably never would codify them, because we would have to reenact all the legislation of the last forty or fifty years.

So, while we might both agree that these laws could be framed in more apt language, or that certain provisions could be wisely omitted from them, yet I appeal to the Senators that it would not be wise or tend to the ultimate accomplishment of our purpose to engage in that beyond the absolute and pressing necessities. I should like to avoid the necessity of enacting section 286, and I would have been willing in the committee to undertake the vast work of looking up from the code of every State in the Union the crimes, enumerating them, specifying them, determining the manner of their punishment. But I was forced to concede that it had never been considered practicable or necessary, when away back in the beginning such great jurists as we had then forming the laws of this country laid the foundation for that great system of jurisprudence which has worked so well, and I yielded my views on the subject. I thought as the Senator did. The instincts of a lawyer rebel against adopting the laws of a State without enacting what they were and allowing the State to repeal them without the benefit of action in the courts. I think it better to let the law stand as it is and as it has stood for so long than to change it, even though our judgment appeals to us against the wisdom of the original enactment.

Mr. McLAURIN. Mr. President, I do not wish to discuss this question any further, but as the decision of Chief Justice Marshall in the case of the United States *v.* Paul contains only about eight lines I will read the whole decision, so that the entire decision will go into the RECORD.

Mr. HEYBURN. I read every word of it.

Mr. McLAURIN. This is the entire opinion of the court:

Mr. Chief Justice Marshall stated it to be the opinion of the court, that the third section of the act of Congress entitled "An act more effectually to provide for the punishment of certain crimes against the United States, and for other purposes," passed March 3, 1825, is to be limited to the laws of the several States in force at the time of its enactment. This was ordered to be certified to the circuit court for the southern district of New York.

This is found on page 142 of 6 Peters's Reports.

Mr. SUTHERLAND. Mr. President, I hope the amendment suggested by the Senator from Mississippi will not be adopted. I think the effect of it would be to declare that prosecutions might be had under the laws of the State passed hereafter, and I do not think that that legislation would be constitutional.

Mr. McLAURIN. I did not hear the Senator. I was not noticing what he said.

Mr. SUTHERLAND. I say I think the effect of adopting the amendment which the Senator has suggested would be to declare that prosecutions might be had under the laws of a State passed after we have passed this act of Congress, and I think we have no power to enact that sort of legislation.

Mr. McLAURIN. Then does not the Senator think that the court, following a well-known rule of law, would construe it as being the intention of Congress to go only as far as Congress has the constitutional power to go?

Mr. SUTHERLAND. Yes; that might be so, under ordinary circumstances, but the court also takes into consideration sometimes the debates in Congress. When the construction of a law is in doubt, very often resort is had to the debates in Congress. If it should appear that the word "now" was originally in the law and had been stricken out, evidently it was intended to give the law a different interpretation from that which it would have with the word "now" in it. With the word "now" in the law it is plain and unambiguous. It means to confine the adoption of these laws to those which are now in force, and does not attempt to apply the rule to laws which may be hereafter enacted.

The Senator also proposes to strike out the language of the section that the laws of the State shall "continue in force, notwithstanding any subsequent repeal or amendment thereof by any such State, Territory, or District." I have already said that in my judgment that would be in effect to authorize the State to enact a law. It is precisely the same in effect as though instead of adopting this simple section we say that we adopt all the penal laws of the various States. It is in effect the same as if we had read all of those laws into the statutes of the United States; as though we had taken section after section from the various penal codes of the States and enacted them in precise words in the statute. If we had done that, if we had said in one section that such and such an act should be punishable when committed in a certain State, that such and such an act should be punishable when committed in another State, and so on through the whole list of laws and through the whole list of forty-six States and spread them upon the statue books in that way, then I think there could be no doubt that if we would permit a provision in addition to that in the law, that those laws should cease to have operation whenever any particular State had repealed that law, it would be unconstitutional, because it would be an enactment of the law.

Mr. McLAURIN. Will the Senator allow me to ask him a question?

Mr. SUTHERLAND. Certainly.

Mr. McLAURIN. I agree with the Senator fully that Congress can not empower a State legislature to make a law hereafter and have that law to become a law of the United States. There is no question about that, because Congress can not delegate to the legislature of a State or to any other auhority the power to enact law. We are agreed upon that. But does not the Senator hold that Congress has the power to enact a law and limit the time during which it shall have its existence?

Mr. SUTHERLAND. I think we have the right to enact a law and say that it shall be in force and operation until a particular date.

Mr. McLAURIN. Does not the Senator hold that Congress can make the limitation of that law depend upon a contingency?

Mr. SUTHERLAND. The action of the legislature of a State?

Mr. McLAURIN. That was not the question.

Mr. SUTHERLAND. That is the case.

Mr. McLAURIN. I asked the Senator if he does not hold that Congress can make the limitation of the law depend upon a future contingency?

Mr. SUTHERLAND. I will answer that by saying sometimes we can and sometimes we can not. It depends upon what the contingency is. If the Senator means that Congress may enact a law and say the law shall be in force and operation until the legislature of some particular State sees fit to declare otherwise, I say no. I think we have no such power. If he means that we may enact a law to be in operation until a certain date comes, then I say yes, we may do that.

Mr. McLAURIN. The State legislatures have enacted laws, and they have made them take effect in certain localities, in certain counties, or certain municipalities, upon the happening of a contingency, and that contingency is the vote of the county

or locality upon a certain proposition, and it depends upon the result of that vote. For instance, the States have enacted laws upon the question of local option which will take effect in a certain county or in any county upon the county's voting a certain way. The legislature of that State can not possibly delegate to the voters of the county the power to make the law. The voters do not make the law, the law is made by the legislature; but the contingency of its taking effect in that particular community or locality is provided. That contingency may be the action of a board of supervisors or the action of the voters of the county.

This is analogous to that case. The Congress of the United States enacts this law, and the law has for its force and effect the action of Congress enacting it. It passes this body; it passes the House of Representatives and is signed by the President of the United States, and that gives it its effect as a law. The contingency upon which that shall be limited may be the action of anybody. It may be the action of the voters of a State, or of the executive of a State, or of the judiciary of the State, or of the legislature of the State. That is frequently done. The act depends upon its being effective upon the action of the Executive of the United States. The President of the United States can not make the law any more than the legislature of a State can make the law. So I hold that it is within the power of Congress to enact the law and fix a time for its limitation. That limitation may be certain or it may be contingent. The contingency may be the action of anybody that the Congress of the United States shall designate, and if it designates the legislature of a State, the contingency depends upon the action of the legislature of the State. That is my idea about it. That is my opinion about the law. I so hold.

Mr. SUTHERLAND. I recognize the force of what the Senator from Mississippi says on this subject, but it seems to me that the case which we have here is very different from the case which he illustrates; that is, the case of local-option laws. This case would be analogous to a case happening in a State where the State legislature had passed a law intended to be of uniform operation within the State, and had then declared that that law should cease to have operation entirely whenever a certain body of men in the State, the judiciary or some of the executive officers, might so declare. In other words, it would be to delegate to that select body of men, or, if you please, to the entire people of the State, the power to make a law, or to unmake a law, which it appears to me is the same thing.

If we adopt the amendment suggested by the Senator from Missouri, it seems to me that is what we are doing. We have, in the first place, enacted a set of laws in precisely the same way as if we had spread them at length upon the statute books, and then after having done that we say these laws shall cease to have operation so far as this Government is concerned whenever the legislature of the particular State to which they are adapted shall repeal them. It seems to me that to do that would be to delegate to the State legislatures the power to make a law for us.

Mr. McLAURIN. Will the Senator allow me to ask him a question?

Mr. SUTHERLAND. Certainly.

Mr. McLAURIN. When a State legislature enacts a law that upon the vote of a county in favor of prohibition there shall be no more licensed saloons in that county, does the State law depend upon the action of that particular locality?

Mr. SUTHERLAND. That is, as to whether or not it shall ever go into operation at all? Yes.

Mr. McLAURIN. Then is not the State delegating authority to that county to make a law?

Mr. SUTHERLAND. No, I do not think so.

Mr. McLAURIN. I think not either; and I do not think that the existence of the lawmaking power depends upon the action of the voters of the county.

Now, I want to ask the Senator from Utah another question. The Senator recognizes that the courts of the States have held that such laws are constitutional?

Mr. SUTHERLAND. Yes, that has been held in many cases, I do not know whether uniformly or not.

Mr. McLAURIN. I know of no case to the contrary.

Mr. SUTHERLAND. I do not recall any.

Mr. McLAURIN. Now then, suppose that county is what we call "dry" for two years and votes on that proposition again and votes "wet." Then after that date saloons are licensed in that county. Does the Senator hold that the people of that county have enacted a different law?

Mr. SUTHERLAND. My understanding about it is that when the legislature of a State have passed a law of that kind they have simply said whenever the people of any particular locality in the State shall determine prohibition it shall be in effect. The law is not enacted; it is not made a rule applicable to that territory until the people of the locality have voted upon it.

But the case that I suppose is where the legislature of the State has enacted a law applicable to every part of the State, and then has added to it a provision: "This law shall be no longer in force whenever a majority of the people of the State shall vote," or "whenever certain executive officers of the State may so determine." In that case I think it would be an unlawful delegation of legislative authority, and in the other case I do not think it would be.

I recognize that the line between the cases, where the courts have held there is an unlawful delegation of authority and where they have held that it is not, is a somewhat shadowy one, but it seems to me that this case falls well within the line of an unlawful delegation of power, and the case which the Senator supposes falls without it.

Mr. BACON. Mr. President, this has been a very learned and a very interesting discussion, and at last it comes back to what I think will determine it, whether or not there has been a decision by the Supreme Court upon the precise point. If there has, that settles it. If there has not, it is a close question.

Mr. SUTHERLAND. I can answer for myself that I do not know of the decision. I have not discovered any decision of that character. There may or there may not be.

The VICE-PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from Mississippi [Mr. McLAURIN].

The amendment was rejected.

The VICE-PRESIDENT. The Secretary will read the next section passed over.

The Secretary read as follows:

SEC. 319. [Whoever shall willfully and maliciously trespass upon or enter upon any railroad train, railroad car, or railroad locomotive, with the intent to commit murder, robbery, or any unlawful violence upon or against any passenger on said train or car, or upon or against any engineer, conductor, fireman, brakeman, or any officer or employee connected with said locomotive, train, or car, or upon or against any express messenger or mail agent on said train or in any such car thereof, or to commit any crime or offense against any person or property thereon, shall be fined not more than $5,000 or imprisoned not more than twenty years, or both. Whoever shall counsel, aid, abet or assist in the perpetration of any of the offenses set forth in *this* section shall be deemed to be a principal therein. Upon the trial of any person charged with any offense set forth in this *section* it shall not be necessary to set forth or prove the particular person against whom it was intended to commit the offense, or that it was intended to commit such offense against any particular person.]

Mr. McLAURIN. I have an amendment to offer to this section, and I believe the Senator from Idaho and also the Senator from Utah agree with me that the amendment ought to be adopted. The Senator from Missouri [Mr. STONE], who has been unavoidably called out of the Chamber, intended to make some observations in support of the amendment. I ask that the amendment be read.

The VICE-PRESIDENT. The Secretary will read the amendment proposed by the Senator from Mississippi.

The SECRETARY. Strike out in the section, beginning with the word "robbery," in line 22, the following words:

Robbery, or any unlawful violence upon or against any passenger on said train or car, or upon or against any engineer, conductor, fireman, brakeman, or any officer or employee connected with said locomotive, train, or car, or upon or against any express messenger or mail agent on said train or in any such car thereof, or to commit any crime or offense against any person or property thereon.

And insert in lieu thereof the following:

Or other felony, and shall commit any overt act in an attempt to commit such murder, robbery, or other felony.

Also strike out all after the word "therein," in line 8, in the following words:

Upon the trial of any person charged with any offense set forth in this *section* it shall not be necessary to set forth or prove the particular person against whom it was intended to commit the offense, or that it was intended to commit such offense against any particular person.

The VICE-PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from Mississippi.

Mr. McLAURIN. Mr. President, I did not mean to strike out the word "robbery." I meant to strike out after the word "robbery," in line 22, on page 163, down to the word "shall," in line 4, on page 164.

The VICE-PRESIDENT. The amendment proposed by the Senator from Mississippi will be stated.

The SECRETARY. After the word "robbery," at the end of line 22, on page 163, it is proposed to strike out down to and including the word "thereon," in line 4, on page 164, and to insert in lieu thereof the words, "or other felony, and shall commit any overt act in an attempt to commit such murder, robbery, or other felony;" and after the word "therein," on page 164, line 8, it is proposed to strike out the remainder of the section.

Mr. McLAURIN. Mr. President, if there is to be any objection to this amendment, which I thought was to be accepted, I wish to say a word or two in reference to it.

This section seems to have been directed by an act of Congress passed in 1902 against a certain organization known as the "Labor Union Organization," and to punish them for offenses. I am willing to have them punished for offenses which they commit, but for any offense that is mentioned between the word "robbery," in line 22, on page 163, and the word "shall," in line 4, on page 164, I am not willing that such an enormous penalty shall be imposed upon the offender. Now, let us see how it reads:

Or any unlawful violence upon or against any passenger on said train or car, or upon or against any engineer, conductor, fireman, brakeman, or any officer or employee connected with said locomotive, train, or car, or upon or against any express messenger or mail agent on said train or in any such car thereof, or to commit any crime or offense against any person or property thereon, etc.

The proposition is that any person who goes upon a train with the intent to commit any of these small offenses is to be punished by a fine of $5,000.

Mr. BACON. "Not more than $5,000."

Mr. McLAURIN. But it may be that much—not exceeding $5,000 fine or twenty years' imprisonment. A man may go on one of these trains with the intent to break a 10-cent walking cane, and if he is convicted of that intent, although he may never have committed any overt act in the effort to put that intent into execution, he is to be fined $5,000 and suffer twenty years' imprisonment if the judge sees proper to inflict such a punishment. It is no answer to say that it is within the discretion of the court and the court may not impose such a harsh penalty on a man. The court ought not to have the power or the discretion to impose such a harsh penalty for such a small offense—a mere intent.

I am not willing to put upon the statute book a law which is evidently directed at this class of men, when men of great wealth commit great crimes that go entirely "unwhipp'd of justice."

I think that the man who goes upon a train with the intention to commit murder or robbery or other felony—I do not care whether he belongs to a labor union or whether he is a nonunion man; I do not care whether he is a laborer or what may be his calling—ought to be punished; but as to the man who goes there with the intention of committing a little offense, like breaking a walking cane or the laying of his hand in violence upon another, even though he may not intend to do him any physical injury—to put it in the power of a judge to punish that man by a $5,000 fine or twenty years' imprisonment is, to my mind, monstrous, and such a law ought not to be permitted to go through any legislative body in this country. No such law as that ought to be found even in the decrees and the laws of Russia, if they have any laws at all. Even the most autocratic government ought not to pass such a law as that.

Mr. HEYBURN. Mr. President, I have not had time to recur to the debate which occurred the other day, but I think the Senator from Mississippi [Mr. McLAURIN], who has just addressed the Senate on this subject, participated in the enactment of the present law, which contains this proposition.

Mr. McLAURIN. I will say to the Senator that I never voted for such a law. I was in the Senate at the time, but I was then in the minority in this Chamber, as I am now, and I am not responsible for that law. So the Senator can not say I did it.

Mr. HEYBURN. Mr. President, I do not think this is a question of majority or minority. This law, whether intended or not, would prevent—I dislike to mention names—but I will say it would prevent the president of the Standard Oil Company from entering upon a railroad train and using his cane upon the president of the New York Central Railroad Company, and it is quite important that the president of the New York Central Railroad should be protected from such violence if it were intended. Of course the law is in general terms. While the Senator from Mississippi has suggested that it was directed against certain labor organizations, the labor organizations must take their chance with other people in being prohibited from the commission of crime. I have submitted the inquiry to the heads of the organization to which the Senator refers as to whether or not they desired the privilege of committing the offenses prohibited by existing law; but I have not yet received the answer, which I presume I shall receive ultimately, as to whether or not they desire the privilege of entering upon trains and committing these acts. Let me enumerate them and see:

Murder, robbery——

Mr. McLAURIN. Mr. President——

The VICE-PRESIDENT. Does the Senator from Idaho yield to the Senator from Mississippi?

Mr. HEYBURN. Yes; if the Senator from Mississippi desires me to do so; but I am merely reading the bill.

Mr. McLAURIN. But murder and robbery are not included within my amendment. They are not the words which I propose to strike out.

Mr. HEYBURN. I am aware of that, and I intended so to express myself. I was reading the existing law on the subject which was enacted with the concurrence of the Senators present. I will proceed to review this section.

The words "murder" and "robbery" are omitted from the amendment proposed by the Senator from Mississippi, but let us consider this. I do not intend to spend very much time over it. I do not believe that we should destroy the effect of a law which prevents crime, I do not care what the penalty may be. I do not believe that any man can take exception to the severity of a penalty against crime, I do not care if it is made a hundred years and an unlimited fine. The man who says that he objects to the penalty against the right to commit a crime—which I concede to no man—even with the amendment of the Senator from Mississippi he wants the right—I do not mean the Senator from Mississippi does, but the party who objects to this statute—to commit "unlawful violence upon or against any passenger on said train or car." Should any man have that right or privilege? Does it matter how severe the penalty? Has any man or organization of men dared stand up here and say, "We claim the right, under any circumstances, to commit that crime?" Should he have the right to commit any unlawful violence—

Upon or against any engineer, conductor, fireman, brakeman, or any officer or employee connected with said locomotive, train, or car?

Should any man be given a right to commit unlawful violence? That is not breaking a man's cane. That simile is not broad enough to cover the description of the offense in this statute. Should any man be given that right? It would controvert the very purposes of government to concede it to him under any circumstances, because the element of self-defense, or protection to self, of the person or his personal rights, does not enter into such an offense. Should he have the right to commit unlawful violence "upon or against any express messenger or mail agent," who is the representative of the Government of the United States, on any train or in any car, or to commit any crime or offense against any person or property upon any train? What difference how severe you make the penalty? Can you not trust the judge to temper the measure of justice to such men better than you can trust the man who wants to commit that offense? I think so. I grow suspicious of the men, or of any organization of men, that come to me to protest against a law that prevents them from committing unlawful violence because the penalty is too great or for any other reason, because such a protest carries with it the tacit demand of the right to commit the crime; and by such a protest they say, not by implication, but as plain as motives can be expressed, "we want the law so mild in its terms, or so ambiguous in its form, that we may commit these acts of violence and these unlawful acts against these persons provided we are willing to pay a very light fine or to endure a very light punishment."

I have no patience with such a protest against law and order. I have no patience with the protest in favor of an open door to the commission of crime, and I draw no class lines or no lines between wealth and poverty. I am willing to face that issue anywhere, in the fields of labor or the fields of enterprise or the fields of responsibility, wherever the question is raised. I have not very much patience with the protest that says, "only make the punishment light enough so that I can infract or break this law, or provided that I am willing that my handy man, put forward for the purpose of doing it, shall not be punished too severely."

Mr. President, to adopt the amendment suggested by the Senator from Mississippi is to repeal a law that was passed only three Congresses ago, a law that has been passed in the wisdom of Congress because it was necessary. I am opposed to repealing that law upon a report made from a joint committee of the two Houses, or I am opposed to seeing it come to a vote unless it comes to this body in the ordinary course of legislation.

I appeal to the Senator from Mississippi, whatever his views may be upon this question, that this being existing law of recent enactment it should stand until some one assumes the responsibility of introducing a bill for its repeal and some standing committee of this body reports in favor of such repeal. Then let it come up for debate in the ordinary process of legislation and we can meet it. But I hope this occasion will not be

claimed for the repeal of an existing law so beneficial and necessary. If the penalty is too great, make the penalty less; but you can trust the courts. I recall no instance where the courts have been cruel or unjust or have administered excessive punishment.

Mr. McLAURIN. Mr. President, I have objected, and do object, to the severity of this penalty for a very slight misdemeanor, and making that a misdemeanor which has never been, so far as I have been able to find, made a misdemeanor by any other statute. I do not do it because I want the privilege of violating the law—I do not desire to violate the law—nor do I do it because I want the privilege granted to anybody else to violate the law or to commit any violence against another man or another man's property.

The Senator says he has written to the head of the organization to know whether they want——

Mr. HEYBURN. No, Mr. President, I did not say that I had written. I had a personal interview——

Mr. McLAURIN. Ah!

Mr. HEYBURN. I had a personal interview within the walls of this Capitol with a man who professed to be speaking for the organization.

Mr. McLAURIN. I understood the Senator to say that he had not heard of any report from anybody that they wanted to do this, and expected to hear a report that they did not.

Mr. HEYBURN. I said I had not received a reply, though I waited a long time, and I have not received it yet.

Mr. McLAURIN. I do not suppose the Senator ever will hear anyone say that he wants permission for anybody to commit crime. I think that is a reflection upon the head of the organization and upon the organization itself to ask if they want granted to them the privilege to violate the law, to do wrong to anybody or anybody's property.

It is not a proposition as to whether the lawmaking power desires to encourage people to commit crime or to grant the privilege to commit crime, but it is the enormity of the penalty for a very little offense to which I object. The Senator says that he does not object to this feature of it; that the smallest offense that can be committed, so far as he is concerned, may be visited with imprisonment for life. I suppose the Czar of Russia would say the same thing, that the smallest offense that could be committed in his country might be visited with the gibbet. I feel that there ought to be some discrimination in the penalties that are imposed upon different crimes. The Senator must have thought so, too, for the bill provides as it has gone along one penalty for one crime and another penalty for another crime, and the Senator has during the progress of this debate advocated for certain offenses a reduction of the penalty, because he thought that the one provided was too great. But here, when there is a statute directed against men who probably will permit their passions to be excited and aroused to an extent that is not permissible under good government, the severest penalty is to be put upon a man for the very smallest offense or for intending to commit such an offense.

I suppose that if some humble man were to go upon a railroad car with the intention to break the cane of the president of the New York Central Railroad, to whom the Senator has referred, but were to abandon that intention afterwards, so great has the president of the New York Central Railroad Company become that the Senator would be willing to see the highest penalty imposed upon such a man, because he had the intention of violating the rights of an individual. The man did not execute the intention; he did not have any intention of taking the life or maiming the limb or the person of the president of the New York Central Railroad Company; but if he had the intention of going upon the car for the purpose of slapping his jaw or of breaking his walking cane, then, according to his idea about it, the Senator would see him imprisoned in the penitentiary for life.

Mr. HEYBURN. Mr. President, I trust the Senator will yield to me for a moment.

The VICE-PRESIDENT. Does the Senator from Mississippi yield to the Senator from Idaho?

Mr. McLAURIN. I do, with pleasure.

Mr. HEYBURN. I think the Senator did not understand me to make a statement of that kind—that I would not discriminate at all in the enactment of penalties as between different crimes. I do not think the Senator understood me to say that. I spoke of my individual sentiment in regard to crimes, that it made no difference whether the penalty were large or small. I, of course, recognize, as every intelligent man recognizes, that in enacting legislation you do discriminate between offenses in prescribing the penalty. We have done it always, and have done it very properly. But because I expressed my personal indifference to the size of the fine, it does not follow that I would in fixing penalties disregard the ordinary rules of legislation in discriminating between the grade of offenses, and I think the Senator did not so understand me.

Mr. McLAURIN. I did so understand the Senator. I suppose the Senator meant to say that he himself intends to be so strictly a law-abiding man that it would make no difference to him. I take it that that is true, because I am sure the Senator would not willfully violate any law or any of the rights of anybody else; but we must remember that we are making laws for men who are liable to err—and we are all, so far as that is concerned, liable to err—but if a man does err, he ought not to have attached to him this enormous penalty. Under this section, as you can see, if a man enters a car with intent to commit any crime or offense against any person or property thereon—it does not make any difference what offense; it does not make any difference how small the offense may be; it may be the least offense imaginable, or the intention to commit the least conceivable offense—he might have visited upon him this enormous penalty of $5,000 fine and imprisonment for twenty years. It is true that that is the limit, but the judge may impose the limit upon him. Such a discretion as that ought not to be confided to any judge. The Senator says the judge will exercise his discretion and that he may be trusted to exercise his discretion. Within certain limits and certain bounds that is true; but when it comes to allowing him a discretion of imposing a fine of $5,000 and twenty years' imprisonment upon a man for the least conceivable offense, or for the intent to commit the least conceivable offense, that is to me absolutely monstrous; it is horrible.

Upon trial it is not necessary to give the person indicted the nature and cause of the accusation against him; it is not necessary that the indictment shall set forth or the evidence prove that he intended to commit a serious offense or that he intended to commit an offense against any particular person, but any kind of a paper to show that he intended to commit some offense mentioned in section 319 is sufficient to try him upon. It is a kind of omnium gatherum. The evidence can be thrown into the basket and the man tried upon it.

Such a thing as this ought not to be allowed to go upon the statute books. The fact that it was enacted in 1902 does not make it any better than if it had been enacted in 1802 or 1702. It were better had it been enacted in the ages of the Inquisition.

The VICE-PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from Mississippi [Mr. McLAURIN.].

Mr. McLAURIN. Mr President, before I take my seat I wish to say that I shall insist that this amendment shall be adopted. Another thing, if there is any desire to modify the penalty, I will join in the enactment of any legislation that will impose a penalty upon the intent and upon an overt act or demonstration in the effort to put that intent into effect.

Mr. SUTHERLAND. I want to ask the Senator from Mississippi one question, with his permission. Does the Senator think that a person who willfully and maliciously trespasses upon or enters upon a railroad train with the intent to commit an act of unlawful violence against any passenger or other person mentioned ought to go without punishment?

Mr. McLAURIN. I do not think that he ought to go without punishment if he commits any overt act.

Mr. SUTHERLAND. No. The question I asked the Senator was whether or not he thought a person ought to go without punishment when he willfully and maliciously enters the car with that intent?

Mr. McLAURIN. I do not think that any man ought ever to be punished criminally for any intent which he has when he does no act to put that intent into effect.

Mr. SUTHERLAND. I did not ask the Senator whether a man ought to be punished who merely has an intent to do a criminal act, but one who maliciously—the statute says "willfully and maliciously"—one who maliciously trespasses upon or enters a railroad car with that intent. There is an overt act, the overt act of entering the car maliciously.

Mr. McLAURIN. I do not think that that is an overt act in the effort to put that intent into effect. But grant that he ought to be punished, does the Senator think that he ought to be sent to the penitentiary for twenty years and fined $5,000?

Mr. SUTHERLAND. No; I do not.

Mr. McLAURIN. Then the Senator thinks this amendment ought to be adopted, or, at least, that this penalty ought to be changed.

Mr. SUTHERLAND. Well, I was going to ask the Senator, following up my other question, whether or not the effect of his amendment would not be to eliminate the first part of the law, so that such a man would not be punished at all?

Mr. McLAURIN. It would——

Mr. SUTHERLAND. If the Senator will permit me a moment——

Mr. McLAURIN. Certainly.

Mr. SUTHERLAND. I think the Senator is correct when he says that a man who enters with intent to do that particular act—knowingly to commit an act of unlawful violence—ought not to be punished by twenty years in the penitentiary, and I do not think any judge on earth would punish a man with that extreme penalty. I would have no objection if the law were so framed as to discriminate between an entry for the purpose of committing murder and robbery and an entry for the purpose of committing another act of unlawful violence; but that is not the Senator's amendment.

Mr. McLAURIN. Does not the Senator see that another section can be added putting that in? If the Senator thinks that that ought to be, the Senator agrees with me that this penalty is too severe, and, therefore, it ought to be stricken out. The Senator then agrees with me that there should be some penalty attached to the man who commits a smaller offense; but that ought to be reached by a separate section. That would not, however, obviate the necessity for the adoption of this amendment, because if you strike down this amendment and leave the penalty as it stands, then the Senator's view that the penalty is too severe will be impinged. I do not think it ought to be left to the discretion of the judge to impose such a penalty if he sees proper.

The VICE-PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from Mississippi. [Putting the question.] By the sound, the "noes" seem to have it.

Mr. McLAURIN. I will have to call for the yeas and nays on the amendment. I can not let it go without doing everything I can to have it adopted.

Mr. KEAN. I trust the Senator will not call for the yeas and nays.

Mr. McLAURIN. I can not allow the amendment to go without a vote.

Mr. KEAN. If it is the intention to call for the yeas and nays, I think it would be as well to let the matter be passed over now, so that we may have an executive session.

Mr. McLAURIN. If the Senator from Idaho will let it go over until to-morrow, I will not call for the vote now; but if it is to be decided, I want a vote.

Mr. HEYBURN. We will let this section go over and take up the only remaining section for consideration.

The VICE-PRESIDENT. The section will be passed over without objection. The Secretary will read the next section passed over.

The Secretary resumed the reading, as follows:

SEC. 326. [The circuit and district courts of the United States for the district of South Dakota shall have jurisdiction to hear, try, and determine all actions and proceedings in which any person shall be charged with the crime of murder, manslaughter, rape, assault with intent to kill, assault with a dangerous weapon, arson, burglary, or larceny, committed within the limits of any Indian reservation in the State of South Dakota. Any person convicted of murder, manslaughter, rape, arson, or burglary, committed within the limits of any such reservation, shall be subject to the same punishment as is imposed upon persons committing said crimes within the exclusive jurisdiction of the United States: *Provided*, That any Indian who shall commit the crime of rape within any such reservation shall be imprisoned at the discretion of the court. Any person convicted of the crime of assault with intent to kill, assault with a dangerous weapon, or larceny, committed within the limits of any such reservation, shall be subject to the same punishment as is provided in cases of other persons convicted of any of said crimes under the laws of the State of South Dakota. This *section* is passed in pursuance of the cession of jurisdiction contained in chapter one hundred and *six*, Laws of South Dakota, 1901.]

CHAPTER FIFTEEN.

REPEALING PROVISIONS.

SEC. 338. The following sections of the Revised Statutes and acts and parts of acts are hereby repealed:

Sections 412, 1553, 1668; sections 1780 to 1783, both inclusive; sections 1785, 1787, 1788, 1789 2373, 2412, 3583, 3708, 3739, 3740, 3742, 3832, 3851, 3869, 3887; sections 3890 to 3894, both inclusive; section 3899; sections 3922 to 3925, both inclusive; sections 3947, 3954, 3977, 3979; sections 3981 to 3986, both inclusive; sections 3988, 3992, 3995, 3996, 4013, 4016, 4030, 4053, 5188, 5189; sections 5281 to 5291, both inclusive; sections 5323 to 5395, both inclusive; sections 5398 to 5410, both inclusive; sections 5413 to 5484, both inclusive; sections 5487 to 5510, both inclusive; sections 5516, 5518, 5519; sections 5524 to 5535, both inclusive; sections 5551 to 5567, both inclusive, of the Revised Statutes:

That part of section 3829 of the Revised Statutes which reads as follows: "And every person who, without authority from the Postmaster-General, sets up or professes to keep any office or place of business bearing the sign, name, or title of post-office, shall, for every such offense, be liable to a penalty of not more than $500;"

That part of section 3867 of the Revised Statutes which reads as follows: "And any person not connected with the letter-carrier branch of the postal service who shall wear the uniform which may be prescribed shall, for every such offense, be punishable by a fine of not more than $100, or by imprisonment for not more than six months, or both;"

That part of section 4046 of the Revised Statutes which reads as follows: "Every postmaster, assistant, clerk, or other person employed in or connected with the business or operations of any money-order office who converts to his own use, in any way whatever, or loans, or deposits in any bank, except as authorized by this title, or exchanges for other funds, any portion of the public money-order funds, shall be deemed guilty of embezzlement; and any such person, as well as every other person advising or participating therein, shall, for every such offense, be imprisoned for not less than six months nor more than ten years, and be fined in a sum equal to the amount embezzled; and any failure to pay over or produce any money-order funds intrusted to such person shall be taken to be prima facie evidence of embezzlement; and upon the trial of any indictment against any person for such embezzlement, it shall be prima facie evidence of a balance against him to produce a transcript from the money-order account books of the Sixth Auditor. But nothing herein contained shall be construed to prohibit any postmaster depositing, under the direction of the Postmaster-General, in a national bank designated by the Secretary of the Treasury for that purpose, to his own credit as postmaster, any money order or other funds in his charge, nor prevent his negotiating drafts or other evidences of debt through such bank, or through United States disbursing officers, or otherwise, when instructed or required to do so by the Postmaster-General, for the purpose of remitting surplus money-order funds from one post-office to another, to be used in payment of money orders."

"An act to protect lines of telegraph constructed or used by the United States from malicious injury and obstruction," approved June 23, 1874;

"An act to protect persons of foreign birth against forcible constraint or involuntary servitude," approved June 23, 1874;

That part of "An act making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1875, and for other purposes," approved June 23, 1874, which reads as follows: "That any postmaster who shall affix his signature to the approval of any bond of a bidder or to the certificate of sufficiency of sureties in any contract before the said bond or contract is signed by the bidder or contractor and his sureties, or shall knowingly, or without the exercise of due diligence, approve any bond of a bidder with insufficient sureties, or shall knowingly make any false or fraudulent certificate, shall be forthwith dismissed from office and be thereafter disqualified from holding the office of postmaster, and shall also be deemed guilty of a misdemeanor, and on conviction thereof be punished by a fine not exceeding $5,000, or by imprisonment not exceeding one year, or both;"

Sections 1, 2, and 3 of "An act to protect ornamental and other trees on Government reservations and on lands purchased by the United States, and for other purposes," approved March 3, 1875;

Section 4 of "An act to protect all citizens in their civil and legal rights," approved March 1, 1875;

"An act to punish certain larcenies and the receivers of stolen goods," approved March 3, 1875;

"An act to amend section 5457 of the Revised Statutes of the United States, relating to counterfeiting," approved January 16, 1877;

That part of section 5 of "An act establishing post-roads, and for other purposes," approved March 3, 1877, which reads as follows: "And if any person shall make use of any such official envelope to avoid the payment of postage on his private letter, package, or other matter in the mail, the person so offending shall be deemed guilty of a misdemeanor and subject to a fine of $300, to be prosecuted in any court of competent jurisdiction;"

That part of section 1 of "An act making appropriations for the service of the Post-Office Department for the year ending June 30, 1879, and for other purposes," approved June 17, 1878, which reads as follows: "And any postmaster who shall make a false return to the Auditor, for the purpose of fraudulently increasing his compensation under the provisions of this or any other act, shall be deemed guilty of a misdemeanor, and, on conviction thereof, shall be fined in a sum not less than $50 nor more than $500, or imprisoned for a term not exceeding one year, or punished by both such fine and imprisonment, in the discretion of the court; and no postmaster of any class, or other person connected with the postal service, intrusted with the sale or custody of postage stamps, stamped envelopes, or postal cards, shall use or dispose of them in the payment of debts or in the purchase of merchandise or other salable articles, or pledge or hypothecate the same, or sell or dispose of them except for cash, or sell or dispose of postage stamps or postal cards for any larger or less sum than the values indicated on their faces, or sell or dispose of stamped envelopes for a larger or less sum than is charged therefor by the Post-Office Department for like quantities, or sell or dispose of postage stamps, stamped envelopes, or postal cards otherwise than as provided by law and the regulations of the Post-Office Department; and any postmaster or other person connected with the postal service who shall violate any of these provisions shall be deemed guilty of a misdemeanor, and, on conviction thereof, shall be fined in any sum not less than $50 nor more than $500, or imprisoned for a term not exceeding one year;"

"An act to amend section 5497 of the Revised Statutes, relating to embezzlement by officers of the United States," approved February 3, 1879;

That part of section 1 of "An act making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1880, and for other purposes," approved March 3, 1879, which reads as follows: "That nothing contained in section 3982 of the Revised Statutes shall be construed as prohibiting any person from receiving and delivering to the nearest post-office or postal car mail matter properly stamped." Also sections 13, 23, 27, and 28 of said act;

"An act to amend section 5440 of the Revised Statutes," approved May 17, 1879;

Sections 1, 3, and 4 of "An act to amend section 5352 of the Revised Statutes of the United States, in reference to bigamy, and for other purposes," approved March 22, 1882;

Sections 11, 12, 13, 14, and 15 of "An act to regulate and improve the civil service of the United States," approved January 16, 1883;

"An act making it a felony for a person to falsely and fraudulently assume or pretend to be an officer or employee acting under authority of the United States or any department or officer thereof, and prescribing a penalty therefor," approved April 18, 1884;

"An act to prevent and punish the counterfeiting within the United States of notes, bonds, or other securities of foreign governments," approved May 16, 1884;

Section 9 of "An act making appropriations for the current and contingent expenses of the Indian Department and for fulfilling treaty stipulations with various Indian tribes for the year ending June 30, 1886, and for other purposes," approved March 3, 1885;

Section 2 of "An act to amend the act entitled 'An act to modify the money-order system, and for other purposes,' approved March 3, 1883," approved January 3, 1887;

Sections 3, 4, 5, 9, and 10 of "An act to amend an act entitled 'An act to amend section 5352 of the Revised Statutes of the United States in reference to bigamy, and for other purposes,' approved March 22, 1882," approved March 3, 1887;

Section 2 of "An act relating to permissible marks, printing or writing, upon second, third, and fourth class matter and to amend the twenty-second and twenty-third sections of an act entitled 'An act making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1880, and for other purposes,'" approved June 4, 1888;

"An act relating to postal crimes and amendatory of the statutes therein mentioned," approved June 18, 1888;

"An act amendatory of 'An act relating to postal crimes and amendatory of the statutes therein mentioned,' approved June 18, 1888, and for other purposes," approved September 26, 1888;

"An act to punish as a felony the carnal and unlawful knowing of any female under the age of 16 years," approved February 9, 1889;

Sections 1 and 2 of "An act to punish dealers and pretended dealers in counterfeit money and other fraudulent devices for using the United States mails," approved March 2, 1889;

Section 1 of "An act to amend certain sections of the Revised Statutes relating to lotteries, and for other purposes," approved September 19, 1890;

"An act further to prevent counterfeiting or manufacture of dies, tools, or other implements used in counterfeiting, and providing penalties therefor, and providing for the issue of search warrants in certain cases," approved February 10, 1891;

"An act to amend sections 5365 and 5366 of the Revised Statutes relating to barratry on the high seas," approved August 6, 1894;

Sections 1 and 2 of "An act for the suppression of lottery traffic through national and interstate commerce and the postal service, subject to the jurisdiction and laws of the United States," approved March 2, 1895;

"An act to prohibit prize fighting and pugilism and fights between men and animals and to provide penalties therefor in the Territories and the District of Columbia," approved February 7, 1896;

That part of "An act making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1895," approved August 8, 1894, and that part of "An act making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1896," approved March 2, 1895, and that part of "An act making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1897," approved April 25, 1896, which reads as follows: "Any person who shall knowingly issue or publish any weather forecasts or warnings of weather conditions falsely representing such forecasts or warnings to have been issued or published by the Weather Bureau, United States Signal Service, or other branch of the Government service, shall be deemed guilty of a misdemeanor, and, on conviction thereof, for each offense be fined in a sum not exceeding $500, or imprisoned not to exceed ninety days, or be both fined and imprisoned, in the discretion of the court;"

That part of "An act making appropriations for current and contingent expenses of the Indian Department and fulfilling treaty stipulations with various Indian tribes for the fiscal year ending June 30, 1897, and for other purposes," approved June 10, 1896, which reads as follows: "*Provided further*, That hereafter it shall be unlawful for any person to destroy, deface, change, or remove to another place any section corner, quarter-section corner, or meander post on any Government line of survey, or to cut down any witness tree or any tree blazed to mark the line of a Government survey, or to deface, change, or remove any monument or bench mark of any Government survey; that any person who shall offend against any of the provisions of this paragraph shall be deemed guilty of a misdemeanor, and, upon conviction thereof in any court, shall be fined not exceeding $250 or be imprisoned not more than one hundred days. All the fines accruing under this paragraph shall be paid into the Treasury, and the informer in each case of conviction shall be paid the sum of $25;"

"An act to reduce the cases in which the penalty of death may be inflicted," approved January 15, 1897;

"An act to prevent the carrying of obscene literature and articles designed for indecent and immoral use from one State or Territory into another State or Territory," approved February 8, 1897;

"An act to prevent forest fires on the public domain," approved February 24, 1897;

"An act to prevent the purchasing of or speculating in claims against the Federal Government by United States officers," approved February 25, 1897;

"An act to amend section 5459 of the Revised Statutes, prescribing the punishment for mutilating United States coins, and for uttering or passing or attempting to utter or pass such mutilated coins," approved March 3, 1897;

Section 18 of "An act to amend the laws relating to navigation," approved March 3, 1897;

That part of section 1 of "An act making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1899," approved June 13, 1898, which reads as follows: "*Provided*, That any person or persons who shall place or cause to be placed any matter in the mails during the regular weighing period, for the purpose of increasing the weight of the mails with intent to cause an increase in the compensation of the railroad mail carrier over whose route such mail matter may pass, shall be deemed guilty of a misdemeanor, and shall on conviction thereof be fined not less than $500 nor more than $20,000, and shall be imprisoned at hard labor not less than thirty days nor more than five years;"

Section 17 of "An act to provide revenue for the Government, and to encourage the industries of the United States," approved July 24, 1897;

Section 3 of an act entitled "An act making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1904, and for other purposes," approved March 3, 1903;

"An act to protect the harbor defenses and fortifications constructed or used by the United States from malicious injury, and for other purposes," approved July 7, 1898;

"An act to amend an act entitled 'An act to prevent forest fires on the public domain,' approved February 24, 1897," approved May 5, 1900;

Sections 2, 3, and 4 of "An act to enlarge the powers of the Department of Agriculture, prohibit the transportation by interstate commerce of game killed in violation of local laws, and for other purposes," approved May 25, 1900;

"An act to prevent the sale of firearms, opium, and intoxicating liquors in certain islands of the Pacific," approved February 14, 1902;

"An act for the suppression of train robbery in the Territories of the United States and elsewhere, and for other purposes," approved July 1, 1902;

"An act conferring jurisdiction upon the circuit and district courts for the district of South Dakota in certain cases, and for other purposes," approved February 2, 1903;

"An act to amend section 3 of the 'Act further to prevent counterfeiting or manufacturing of dies, tools, or other implements used in manufacturing, etc., approved February 10, 1891," approved March 3, 1903;

"An act for the protection of the Bull Run Forest Reserve and the sources of the water supply of the city of Portland, State of Oregon," approved April 28, 1904;

"An act to amend the act of February 8, 1897, entitled 'An act to prevent the carrying of obscene literature and articles designed for indecent and immoral use from one State or Territory into another State or Territory,' so as to prevent the importation and exportation of the same," approved February 8, 1905;

"An act to amend section 13 of chapter 394 of the Supplement to the Revised Statutes of the United States," approved March 2, 1905;

Section 5 of "An act to amend sections 4417, 4453, 4488, and 4499 of the Revised Statutes relating to misconduct by officers or owners of vessels," approved March 3, 1905;

"An act to punish the cutting, chipping, or boxing of trees on the public lands," approved June 4, 1906.

Sections 16, 17, and 19 of "An act to establish a bureau of immigration and naturalization, and to provide for a uniform rule for the naturalization of aliens throughout the United States," approved June 29, 1906.

An act entitled "An act to prohibit corporations from making money contributions in connection with political elections," approved January 26, 1907.

An act entitled "An act to amend sections 1, 2, and 3 of an act entitled 'An act to prohibit shanghaiing in the United States,' approved June 28, 1906," approved March 2, 1907.

Also all other sections and parts of sections of the Revised Statutes and acts and parts of acts of Congress, in so far as they are embraced within and superseded by this act, are hereby repealed; the remaining portions thereof to be and remain in force with the same effect and to the same extent as if this act had not been passed.

SEC. 339. The repeal of existing laws or modifications thereof embraced in this title shall not affect any act done, or any right accruing or accrued, or any suit or proceeding had or commenced in any civil cause prior to said repeal or modifications, but all liabilities under said laws shall continue and may be enforced in the same manner as if said repeal or modifications had not been made.

SEC. 340. All offenses committed, and all penalties, forfeitures, or liabilities incurred prior to the taking effect hereof, under any law embraced in, or changed, modified, or repealed by this title, may be prosecuted and punished in the same manner and with the same effect as if this act had not been passed.

SEC. 341. All acts of limitation, whether applicable to civil causes and proceedings, or for the recovery of penalties or forfeitures, embraced in, modified, changed, or repealed by this title, shall not be affected thereby; and all suits or proceedings for causes arising or acts done or committed prior to the taking effect hereof may be commenced and prosecuted within the same time and with the same effect as if said repeal had not been made.

SEC. 342. This act shall take effect and be in force from and after the 1st day of July, 1908.

The reading of the passed-over sections was concluded.

Mr. HEYBURN. I ask now to recur to section 319. The committee accept the amendment of the Senator from Mississippi [Mr. MCLAURIN] to strike out beginning with the word "or," after the word "robbery," down to and including the word "thereon," in line 10 of the section, and insert after the word "both," in line 5, of the bill, I think it is——

Mr. MCLAURIN. After the period.

Mr. HEYBURN. Yes; after the period at the end, what I send to the desk.

The SECRETARY. On page 164, line 5, after the period, following the word "both," it is proposed to insert:

Whoever shall wilfully and maliciously trespass upon or enter upon any railroad train, railroad car, or railroad locomotive with intent to commit any unlawful violence upon or against any passenger on said train or car or upon or against any engineer, conductor, fireman, brakeman, or any officer or employee connected with said locomotive, train, or car, or upon or against any express messenger or mail agent on said train or in any car thereof, or to commit any crime or offense against any person or property thereon shall be fined not more than $1,000 or imprisoned not more than one year.

The amendment was agreed to.

Mr. HEYBURN. I desire to recur to section 218. We have reached an agreement in regard to the section. The amendment which was adopted yesterday is withdrawn, and I offer the amendment I send to the desk.

The PRESIDING OFFICER (Mr. PILES in the chair). The amendment proposed by the Senator from Idaho will be stated.

The SECRETARY. It is proposed to strike out all of section 218 and to insert in lieu thereof the following:

SEC. 218. [*All kinds of poison, and all articles and compositions containing poison, and all poisonous animals, insects, and reptiles, liquids, liquors, glass, and explosives of all kinds, and inflammable materials, and infernal machines, and mechanical, chemical, or other devices or compositions which may ignite or explode, and all disease germs or scabs, and all other natural or artificial articles, compositions, or materials of whatever kind which may kill, or in any wise hurt, harm, or injure another, or damage, deface, or otherwise injure the mails or other property, whether sealed as first-class matter or not, are hereby declared to be nonmailable matter, and shall not be conveyed in the mails or delivered from any post-office or station thereof, nor by any letter carrier.*

Whoever shall knowingly deposit or cause to be deposited for mailing or delivery, or shall knowingly cause to be delivered by mail according to the direction thereon, or at any place at which it is directed to be

delivered by the person to whom it is addressed, anything declared by this section to be nonmailable, shall be fined not more than $1,000, or imprisoned not more than two years, or both; and whoever shall knowingly deposit or cause to be deposited for mailing or delivery, or shall knowingly cause to be delivered by mail according to the directions thereon, or at any place to which it is directed to be delivered by the person to whom it is addressed, anything declared by this section to be nonmailable, with the design, intent, or purpose to kill, or in any wise hurt, harm, or injure another, or damage, deface, or otherwise injure the mails or other property, shall be fined not more than $5,000 or imprisoned not more than ten years, or both.]

The amendment was agreed to.

Mr. BACON. I desire to call the attention of Senators to a section that was passed over, and I shall ask to have it stricken out. It is section 20 of the bill. It is a reenactment of section 5509 of the Revised Statutes. It is intended as a corollary to the preceding section. My opinion is that the preceding section ought to be entirely repealed, although that is not the matter that I now bring to the attention of the Senate. The preceding section was a political act enacted in a time of great political excitement and sectional difference and animosity. It was designed, not for general application in the United States, but for particular application to a part of the United States. If there ever were any conditions which justified such an enactment, which I deny, those conditions have entirely disappeared, and the act is a blot upon the statute book to-day.

Section 19 is a reenactment of section 5508, which is directed against persons who shall "conspire to injure, oppress, threaten, or intimidate any citizen in the free exercise or enjoyment of any right or privilege secured to him by the Constitution or laws of the United States."

Now that section has for its violation a distinct penalty attached to it. It is that persons who shall violate the provisions of this section "shall be fined not more than $5,000 and imprisoned not more than ten years; and shall, moreover, be thereafter ineligible to any office, or place of honor, profit, or trust created by the Constitution or laws of the United States."

The succeeding section, to which I now direct attention, is as follows:

If in the act violating any provision of the preceding section any other felony or misdemeanor be committed, the offender shall be punished for the same with such punishment as is attached to such felony or misdemeanor by the laws of the State in which the offense is committed.

That section of law—it is existing law—is used as a cloak and a pretense by which courts of the United States take jurisdiction of criminal offenses against the State, and upon a mere allegation in an indictment that there has been a conspiracy, there is a prosecution for murder or for any other offense which it may be alleged was committed in pursuance or while in the execution of that conspiracy or attempt to violate the personal rights of anyone.

If it were true that there was no offense except that which is specified in section 20, or section 5509 of the Revised Statutes, then it might be said that to repeal that section would be to take away from the penalty of the law the only thing which could make the law effective. But the law, so far as it is directed against an offense against the United States, is complete in itself in the preceding section and has the penalty attached. This other is a section which purports to punish for a crime altogether independent, so far as being separate and distinct may make it independent, of any crime specified in the preceding section and upon which jurisdiction can be rested.

Now, this is not a theoretical matter with me. I have seen it in practical operation, where the Federal courts have undertaken, and not only have undertaken but have acquired—taken jurisdiction of plain crimes against the State and prosecuted men for crimes against the State, the simple allegation being made that there had been a conspiracy, and upon little or no testimony whatever of any such conspiracy the Federal courts proceed to exercise jurisdiction, try, and punish parties for alleged crimes against the State.

I have, in my own experience, known of a case of that kind where parties were charged with having conspired, in the language of this law, and then having committed a murder. I will say, for the information of Senators, that there was no question of race involved in the matter. They were all white men. I have known a most protracted trial—I was engaged in it myself—lasting over a month, where parties convicted, some of them sentenced to the penitentiary for life and others for shorter terms, and where after ten years' service in the penitentiary the President of the United States pardoned the only remaining one of the convicts upon the recommendation of the Attorney-General of the United States, based upon the distinct ground that under the record they ought never to have been convicted.

It was a plain case that if the parties were guilty at all of an offense against the State laws there was not a scintilla of evidence upon which to rest any indictment for conspiracy. The judge charged the jury that if they did not think there was any conspiracy they did not have any jurisdiction. But all that was lost in a trial extending over a long period of time, in which, if the facts sworn to were true, there had been committed a crime of great enormity, one which shocked the public sense, and the question of jurisdiction disappeared in the case altogether.

There is no reason in the world, in my mind, why there should be any such statute on the Federal statute book. The State, it is intended, shall always be the one to try for offenses against the State; and if there should be such a conspiracy and if in the course of the conspiracy the parties should commit murder, there are two distinct offenses—the offense against the Federal law, in the conspiracy to deprive one of the exercise of his rights; the offense against the State, in the commission of the murder. While the Federal court can try the offense under the statute, under the section of law found in section 5508, Revised Statutes, the State court is the one which should be empowered to try the offense committed under section 5509.

I therefore move to amend by striking out that section, because it has no place in Federal law proper.

Mr. HEYBURN. Mr. President, this section is the one under which, perhaps, the parties who raided the interstate railroads at Chicago during the riots and upset and burned cars would be prosecuted. It is, perhaps, the section under which the people who set fire to the roundhouses at Pittsburg in 1877 and burned them up would be prosecuted.

Mr. BACON. I think not.

Mr. HEYBURN. They went there, they said, for the purpose of persuading in a peaceful way the workmen of the railroads to quit their employment, but while they say they went there for that purpose, before they left they burned 3,500 cars and 135 engines, and thereby interrupted interstate commerce practically on the line between two States, and interrupted it for a long time.

I merely call attention to that class of offenses. I know the mind of the Senator from Georgia has been directed toward another class of offenses, but we should be careful about repealing a statute that may be of very widespread usefulness merely because it may have been invoked in some cases where it would seem to be unnecessary. So I think we should be very careful about repealing this section.

The section covers the grave offenses that are committed by men who go into action with perhaps a slight purpose as to the commission of an offense, but become involved in controversies that result either in the destruction of life, as it did in both those cases, or the destruction of property; that affect not local rights within a State, but interstate rights. In fact, in that same case the riots extended clear across the State line. They tied up interstate commerce between Chicago and the Atlantic seaboard, and not only tied it up, but destroyed life and property. It is such sections as these that we must look to for the prosecutions of those offenses in the United States courts. The Senator, I think, will agree with me that even though the section may be available upon which to base a prosecution for some offense that might seem to belong to State jurisdiction, yet if a statute is necessary for the purpose of preventing or punishing the commission of very grave offenses of a character that are undoubtedly within the cognizance and jurisdiction of United States courts, we should not lightly repeal it. I submit these considerations to the Senator.

Mr. BACON. Mr. President, the Senator from Idaho has been discussing with the Senator from Mississippi [Mr. McLAURIN] a question which involved the acts of labor unions, etc., and he seems to have forgotten the fact that we are no longer discussing that. What he has said will apply to an altogether different class of offenses from those expressed in section 5508.

Mr. CULLOM. Will the Senator from Georgia allow me to make a suggestion? It has occurred to me that if this is the only question left for discussion before the bill shall be reported to the Senate, it might be settled when we get into the Senate.

Mr. BACON. No; I can not consent to that.

Mr. CULLOM. We can not settle a contested question when there are so few Senators present.

Mr. BACON. If the Senator desires to move an executive session, of course I will not interfere with him. But I am not going to consent that this matter shall go to the Senate.

Mr. CULLOM. I was in hopes that the Senator from Idaho might get his bill into the Senate before adjournment to-day.

Mr. BACON. No; there are some other matters to which I wish to call attention.

Mr. CULLOM. Then, with the permission of the Senator from Georgia, I will make a motion.

Mr. BACON. Certainly.

EXECUTIVE SESSION.

Mr. CULLOM. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After fifteen minutes spent in executive session the doors were reopened, and (at 4 o'clock and 50 minutes p. m.) the Senate adjourned until to-morrow, Thursday, February 20, 1908, at 12 o'clock meridian.

CONFIRMATIONS.

Executive nominations confirmed by the Senate February 19, 1908.

UNITED STATES ATTORNEY.

John Embry, of Oklahoma, to be United States attorney for the western district of Oklahoma.

POSTMASTERS.

IDAHO.

Albert J. Hopkins to be postmaster at Weiser, Washington County, Idaho.

ILLINOIS.

T. P. Hawkins to be postmaster at Rushville, Schuyler County, Ill.

Edward W. Hilker to be postmaster at Madison, Madison County, Ill.

KANSAS.

William R. Ansdell to be postmaster at Jamestown, Cloud County, Kans.

Roberta H. McBlain to be postmaster at Fort Riley, Geary County, Kans.

Charles L. O'Neal to be postmaster at La Crosse, Rush County, Kans.

LOUISIANA.

Leo Vandegaer to be postmaster at Many, Sabine Parish, La.

MAINE.

Isaac Dyer to be postmaster at Skowhegan, Somerset County, Me.

MISSISSIPPI.

Coke B. Wier to be postmaster at Quitman, Clarke County, Miss.

MONTANA.

Mary L. Boehnert to be postmaster at Glasgow, Valley County, Mont.

NEBRASKA.

David S. Beynon to be postmaster at Burwell, Garfield County, Nebr.

Henry C. Hooker to be postmaster at Leigh, Colfax County, Nebr.

Edward M. Parker to be postmaster at Guide Rock, Webster County, Nebr.

NEW HAMPSHIRE.

Frank S. Huckins to be postmaster at Ashland, Grafton County, N. H.

Jesse C. Parker to be postmaster at Hillsboro (late Hillsboro Bridge), Hillsboro County, N. H.

NEW JERSEY.

William R. Poe to be postmaster at Glen Ridge (late Glenridge), Essex County, N. J.

NEW YORK.

John M. Brown to be postmaster at Port Jefferson, Suffolk County, N. Y.

William J. Guthrie to be postmaster at Philadelphia, Jefferson County, N. Y.

Melvin E. Horner to be postmaster at Belmont, Allegany County, N. Y.

William McCarthy to be postmaster at Mineola, Nassau County, N. Y.

U. G. Sprague to be postmaster at Prince Bay, Richmond County, N. Y.

William J. Steele to be postmaster at Baldwin, Nassau County, N. Y.

Charles D. Wilder to be postmaster at Charlotte, Monroe County, N. Y.

NORTH CAROLINA.

L. E. Pickard to be postmaster at West Durham, in the county of Durham and State of North Carolina.

NORTH DAKOTA.

Charles C. Hill to be postmaster at Richardton, Stark County, N. Dak.

TEXAS.

James I. Carter to be postmaster at Arlington, Tarrant County, Tex.

WYOMING.

Nora Sammon to be postmaster at Kemmerer, Uinta County, Wyo.

ARBITRATION WITH FRANCE.

The injunction of secrecy was removed February 19, 1908, from an arbitration convention between the United States and France.

NATURALIZATION WITH PERU.

The injunction of secrecy was removed February 19, 1908, from a naturalization convention between the United States and Peru, signed at Lima on October 15, 1907.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, *February 19, 1908.*

The House met at 12 o'clock noon.

Prayer by the Chaplain, Rev. HENRY N. COUDEN, D. D.

The Journal of the proceedings of yesterday was read and approved.

TRANSPORTATION OF DUTIABLE MERCHANDISE, PORT ARTHUR, TEX.

Mr. PAYNE, from the Committee on Ways and Means, reported the bill (H. R. 9079) to extend to Port Arthur, in the State of Texas, the privilege of immediate transportation without appraisement of dutiable merchandise, which was read the first and second times and referred to the Committee of the Whole House on the state of the Union and, with the accompanying report, ordered to be printed.

REFERENCE OF PRESIDENT'S SPECIAL MESSAGE.

Mr. PAYNE also, from the Committee on Ways and Means, reported back favorably resolution No. 233, referring the President's special message of January 31, 1908, which was read the first and second times and referred to the Committee of the Whole House on the state of the Union and, with the accompanying report, ordered to be printed.

RELIEF OF TOBACCO GROWERS.

Mr. DALZELL, from the Committee on Ways and Means, reported a bill (H. R. 17520) for the relief of tobacco growers, which was read the first and second times and, with the accompanying report, referred to the Committee of the Whole House on the state of the Union and ordered to be printed.

REPORT OF COMMITTEE ON DISTRIBUTION OF HOUSE OFFICE ROOMS.

Mr. MANN. Mr. Speaker, I present a privileged report from the Committee on Distribution of House Office Rooms.

The SPEAKER. The Clerk will read the report.

The Clerk read as follows:

The special committee which was directed to report to the House plans for the distribution of rooms in the House Office Building and the redistribution of rooms under the control of the House in the Capitol building beg leave to make a partial report and to recommend the adoption of the following resolution, to wit:

Resolved, That the Resident Commissioners to the United States elected by the Philippine legislature be accorded the same rights as to allotment and use of rooms in the House Office Building as are Members of the House.

JAMES R. MANN.
JOSEPH H. GAINES.
JAMES T. LLOYD.
W. C. ADAMSON.

Mr. MANN. Mr. Speaker, I ask for the adoption of the resolution.

The question was taken, and the resolution was agreed to.

CHANGE OF REFERENCE.

Mr. BENNET of New York. Mr. Speaker, by direction of the Committee on Immigration and Naturalization, I desire to ask for a change of reference of the bills which I send to the Clerk's desk.

The SPEAKER. By direction of the Committee on Immigration and Naturalization, the gentleman from New York moves to change the reference of the bills of which the Clerk will read the title.

The Clerk read as follows:

H. R. 16514. A bill to amend section 13 of the naturalization laws.
H. R. 16509. A bill to amend section 12 of the naturalization laws.

The SPEAKER. What is the motion of the gentleman?